PRICE FIFTY CENTS.

THE SETTLER'S MAP AND GUIDE BOOK.

OKLAHOMA.

A BRIEF REVIEW OF THE HISTORY, GOVERNMENT, SOIL, AND RESOURCES OF THE INDIAN TERRITORY, OKLAHOMA PROPER, THE PUBLIC LAND STRIP, AND CHEROKEE OUTLET.

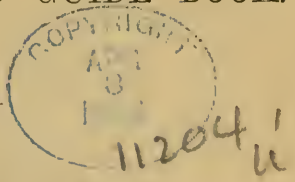
THE SPRINGER BILL. THE INDIAN APPROPRIATION BILL. PRESIDENT HARRISON'S PROCLAMATION. THE HOMESTEAD AND TOWNSITE LAWS, WITH FORMS AND INSTRUCTIONS FOR MAKING ENTRIES.

PUBLISHED BY

W. B. MATTHEWS,
(*Late Assistant Chief of the Pre-emption Division, General Land Office*),
LAND AND MINING ATTORNEY, ATLANTIC BUILDING,
WASHINGTON, D. C.

WASHINGTON, D. C.:
WM. H. LEPLEY, ELECTRIC POWER PRINTER.
1889.

THE SETTLER'S MAP AND GUIDE BOOK.



OKLAHOMA.

A BRIEF REVIEW OF THE HISTORY, GOVERNMENT, SOIL, AND RESOURCES OF THE INDIAN TERRITORY, OKLAHOMA PROPER, THE PUBLIC LAND STRIP, AND CHEROKEE OUTLET.

THE SPRINGER BILL. THE INDIAN APPROPRIATION BILL. PRESIDENT HARRISON'S PROCLAMATION. THE HOMESTEAD AND TOWNSITE LAWS.

PUBLISHED BY

W. B. MATTHEWS,

Land and Mining Attorney, Atlantic Building,

WASHINGTON, D. C.

WASHINGTON, D. C.:
WM. H. LEPLEY, ELECTRIC POWER PRINTER.
1889.

"INDIAN TERRITORY."

The lands comprised in the so-called "Indian Territory," in which OKALAHOMA is situated, were embraced originally in such of the territory known as the "Louisiana purchase" (ceded by France to the United States by the treaty of April 30, 1803) as lay east and west of the Mississippi river and not within the States of Missouri and Louisiana, or the territory of Arkansas, nor within any State in which the Indian title had not been extinguished, which the President of the United States might deem necessary for the reception of certain tribes, and were declared by the acts of May 28, 1830, and June 30, 1834, should be "taken and deemed to be the 'Indian country.'"

The causes which coerced or induced the creation of this "Indian country" were individual rapacity and greed, supported by State usurpation and federal tyranny or injustice.

For many years, in 1828, in Georgia and Alabama, the Cherokee, Seminole, and Creek tribes or nations of Indians had been established on lands secured to them by treaties with the United States, but on the reported discovery of gold about that time, or probably earlier, in the Indian regions of those States the white man, incited by cupidity, began to encroach on or invade the Indian lands in pursuit of the *aura sacra*. Many outrages attended this invasion. The Indians very naturally complained. This invasion being supported by the State authorities, the Indians appealed to the national executive for the protection guaranteed them by their treaties with the United States. What protection or redress they obtained from that high functionary may be gathered from a brief synopsis of a characteristic debate in the United States Senate in May, 1834, on a memorial of the Cherokees. The memorial, signed by their principal chief and other delegates, and presented by the Senator from Delaware, Hon. Jno. M. Clayton, complained:

That notwithstanding the faith of treaties, the obligations of the laws and the solemn decision of the Supreme Court of the United States in their favor, the President of the United States has not only refused to protect them against the oppressions of the State of Georgia, but is exerting his power on the side of their oppressors and co-operating with them in the work of destruction; that under these laws in prior times they had been protected by the national executive; that they had under that protection become Christians and had advanced in civilization, enjoying blessings which had been converted into instruments of the keenest torture; that cupidity had fastened its eye upon their lands and their homes, and is seeking by force and by every variety of oppression and wrong to expel them from their firesides and to tear them from all that had become dear to them, and declared that a detail of their sufferings would make a history, &c.

Mr. Clayton moved the reference of the memorial to the Committee on Indian affairs.

Mr. Forsythe, of Georgia, resisted its reception and reference. All he saw in the memorial and its recital of sufferings and wrongs was "the impudent auda-

city of the head of the Cherokee tribe," an independent and foreign nation, "come to beard the Government." His indignation was expressed in strong language.

Hon. Henry Clay, of Kentucky supported the motion to receive the memorial. He said he should not go into the general question of the horrible grievances which had been inflicted upon the Indians by that arbitrary policy which trampled upon treaties and the faith of the nation; but he did hope that the Senate would not consent to close its doors against the humble petition presented by these poor Indians in relation to abuses which had been practised upon them by another branch of the government.

Other Senators urged a like view.

Mr. Frelinghuysen did not see the evidence of their "insolence." It was the duty of Congress to see whether they had been wronged. The Senator from Georgia represented a State which had crushed them as a nation, and was now endeavoring to shut them out because they represented themselves as the Cherokee nation. They had heretofore been denied that title; they had been called "poor devils," and now because they called themselves a nation Congress were to shut their ears against them. He would let them call themselves the "Cherokee nation:" it was all that was left of them. Georgia had stripped them of everything else, &c.

Mr. Forsythe, of Georgia reiterated his objections and other Senators on the same side sustained the executive branch of the government in its acts of oppression.

Hon. Daniel Webster, of Massachusetts, said, "Strike, but hear!" had upon one occasion been the expression of patient endurance to arbitrary power. Did these people represent themselves as an independent nation? Certainly not! Hard words were not strong arguments, and "insolent, audacious, presumptious" Cherokees proved nothing. These Indians stood in a peculiar relation to this country. They were in some sort independent, but we did not admit that they were absolutely so. We did not permit them to form European alliances, nor to sell their lands excepting to ourselves. Why, then, could not the Senate receive their petition. There was no sovereignty about them. The different States of the Union petitioned, and did any one suppose there was more independence in the Cherokee tribe than among the several States. But the case did not stop here. If the Indians had a grievance, if the treaties had not been fulfilled, if the large sums appropriated for their benefit had been misapplied, only to Congress could the Indians go for redress. The case was just the same as if presented by individuals whose right to petition could not be denied. Mr. W. was sorry to hear from the gentleman from Georgia that the Cherokee chief had got possession of "the purse and sword," but in that he was only following the example of his white neighbors. The error of the gentleman from Georgia consisted in his understanding of the word "nation" in its common acceptation, while every one else knew that "nation" in this case did not imply entire independence. The gentleman's argument rested entirely on a false foundation, when "nation" in this sense means a tribe of people controlled and protected by Congress, not such a nation as France, Spain, or any other foreign country.

The "friends of the Indians and justice" were powerless to protect them. "The earth and the fullness thereof" were by divine right the peculiar *spolia* of the white man.

The excitement ran high, involving Congress, the State and the national authorities, and at one time bloodshed and civil war seemed imminent. The fiat was: "The Indians must go! The 'poor devils' must surrender their lands and homes to the white men coveting them." Under treaties practically forced from these helpless people, these Indians, to whom the transfer was most repugnant, were removed to the new "Indian country." Other Indian tribes, at different dates, were also located on the same Indian domain, all of them involving heavy expenditures of the national treasure, attended by charges of corruption in their disbursements.

The original boundaries of the new country, estimated in 1850 as embracing 195,000 square miles, or 124,800,000 acres, have been greatly reduced by the formation of new States. What is left of it lies between the parallels of 34° and 37° north latitude and the 94° 30′ and 100° meridi-

ans of longitude west. It is bounded on the north by Kansas, on the east by Missouri and Arkansas, on the south by Texas, and on the west by Texas and the so-called "Public Land Strip." It is estimated by the General Land Office to contain 63,253 square miles or 40,481,600 acres. Besides the five civilized tribes or nations, ("the Cherokees, Creeks, Chickasaws, Choctaws, and Seminoles,") the following Indians are located on reservations within the territory: The Osages, Kansas, (Kaws,) Pawnees, Sacs and Foxes, Pottawatomies, Tonkawas, Poncas, Otoes and Missourias, Iowas, Kickapoos, Cheyennes and Arapahoes, Wichitaws, Kiowas, Comanches and Apaches, etc., comprising a population of 10,374, located on reservations containing 11,685,035 acres. The following table is taken from the annual report of the Commissioner of Indian Affairs for 1886, showing the whole number of acres in the Indian Territory east and the whole number west of longitude 98°, and the distribution of population:

Total number of acres in Indian Territory	41,102,546
Number of acres in Indian Territory west of 98°	13,740,223
Number of acres in Indian Territory east of 98°	27,362,323
Number of acres of *unoccupied* lands in Indian Territory east of 98°	3,683,605
Number of Indians in Indian Territory west of 98°	7,616
Number of Indians in Indian Territory east of 98°	68,183
Total number of Indians now in Indian Territory	75,799
Number of acres each Indian would have if unoccupied lands east of 98° were divided equally among Indians now living west of 98°	483
Number of acres each Indian would have if all lands east of 98° were divded equally among all Indians now in Indian Territory	359

The following is from the same report respecting the five civilized tribes or nations:

Tribe.	Acres.	Population.	Acres to each individual.
Cherokees*.	5,031,351	22,000	228—
Creeks.	3,040,495	14,000	217—
Chicksaws	4,650,935	6,000	775—
Choctaws.	6,688,000	16,000	417—
Seminoles	375,000	3,000	125—

*Exclusive of lands west of the Arkansas River.

Or a total area of 19,785,781 acres and a population of 61,000. Admitting this enumeration of the Indian population to be correct, and allowing each Indian 160 acres, (61,000 x 160 = 9,760,000) would leave an actual surplusage of land of 10,025,781 acres in the domain of these five tribes alone. But Mr. Struble, of Iowa, in a speech in the House of Representatives, June 3, 1883, in a table including the population and acreage of all the tribes in this territory, and allowing each Indian 160 acres, shows an actual surplusage of 28,578,990 acres. Mr. Struble adds:

These statistics of population are probably greatly exaggerated, besides embracing several thousand "white Indians" and white laborers who work for the Indians and 6000 manumitted slaves. Robert L. Owen, U. S. Indian agent at Union Agency, Muscogee, Ind. Ter., in his report for 1885, estimates that there are among the five civilized tribes alone 5000 white Indian citizens and 17,000 white farm laborers. John

Q. Tufts, U. S. Indian agent at same place for the year preceding (1884) reports that there were at the date of his report 16,000 white laborers among these tribes.

CLIMATE, SOIL, VEGETATION, ETC.

The topography of the territory is described in general terms as a vast plain with a gradual slope towards the east, the only considerable elevations being the Wichita mountains in the southwest, and some spurs of the Ozark and Washita ranges in the east, and is drained by the Arkansas and Red rivers and their numerous affluents. The Arkansas enters it from the north near the 97th meridian, and, running through the northeast portion in a southeasterly direction, passes into Arkansas at Ft. Smith. It is navigable at certain seasons to Ft. Gibson. The Canadian, having its rise in New Mexico, and the Cimarron, having its rise in Kansas, principal tributaries of the Arkansas, traverse the entire territory from west to east. The Red river washes the southern border, and receives the Washita, a Texan stream, and numerous tributaries. It is navigable during the greater part of the year for small steamers.

The climate is described as "beautiful," "superb," "mild," "delightful," and "healthy." The average mean temperature is from 50° to 60°: in the coldest seasons the thermometer rarely falls below 20° or 30°. The atmosphere is dry: altitude of about 1600 feet.

In all parts good lands are plentiful. Its virgin soil, "taken all in all," surpasses that of the States, and much of it in the eastern and central parts is declared to be the richest on the continent, "the finest in the world." The river bottoms of the east, the home of the five civilized tribes, are broad, level and fertile, and its prairies, uplands, and wood lands are richly productive of all farm crops. Some portions of the northwest is arid, producing so far only "sage brush and cacti." The western section, although as a whole not so productive as the eastern, is yet excellent farm land, and very fruitful of all vegetable and cereal crops. Even its broken and rugged parts are excellent grazing areas; all kinds of stock thrive on their nutritious grasses. Red and yellow plums, delicious strawberries, large sweet grapes, dewberries, raspberries, and blackberries grow wild in the greatest profusion, and its soil and situation are adapted to and gives promise of extensive fruit culture.

Throughout the eastern and in the central sections along the streams timber is everywhere abundant. The northwest generally is barren of timber forests, but along the streams and on the hills timber is plentiful. From the Arkansas to the Brazos river, there extends a forest belt called the "Cross Timbers," estimated at from 30 to 5 miles in breadth, separating the richly "fruitful lands" of the eastern and central parts from the only less productive table lands of the west, and a timber belt of hickory, walnut, oak, pecan, etc., estimated at about 75 miles in width reaches across the territory from the northeast to the southwest. Nor is there absolutely a dearth in any part of timber for ordinary domestic purposes.

GAME.

The Territory has long been famous for its hunting and fishing grounds. The buffalo has disappeared and the antelope has become scarce. But along its streams and in its forests, mountain lions, black and brown bears, red and grey foxes, panthers, wolves, wild boars, raccoons, opossums,

wild cats, minks, otters, wild turkeys, sage hens or prairie chickens, quail, snipe, rice birds and many other game animals are found. Fish of many varieties abound in the streams—salmon, bass, perch, croppies, catfish, suckers, etc., and to the hunter and sportsman furnish both pleasure and profit.

INDIAN RESERVATIONS.

The surface of the Cheyenne and Arapahoe reservation, in its leading features, is high, rolling prairie, rising at some places into almost mountainous elevations. It is broken by but little timber. Its lower bottom lands produce abundantly. Its high prairies and cañons, in early spring, are covered with beds of gorgeous flowers in great variety, and their luxuriant nutritious grasses, with a plentiful water supply from the Canadian and Washita rivers and their tributaries, create extensive ranges for horses and stock of all kinds. Its soil, with the exception of the sand hills, is naturally rich, and all it requires to make them productive of all farm crops is the necessary rainfall or irrigation. The climate is mild and equable, the nights being cool and pleasant, and the rainfall is annually increasing.

The lands of the Ponca reservation situated in the Arkansas, Salt Fork, and Chikaskia valleys, are described as abundantly watered and well timbered, a large proportion of it being rich bottom land, producing heavy crops of all grains and vegetables; its natural resources, if developed, would render these Indians independent and rich.

The lands of the Otoe and Missouria reservation are regarded as inferior to those of the adjoining Ponca reservation. Good agricultural land, however, is to be had in Red Rock and other valleys of this reservation, as is also rich grazing land.

TRESPASSING CRIMINALS.

Parts of this Territory, along its borders, have long been abodes of refuge for the vilest and most desperate criminals—for murderers, horse-thieves, gamblers, felons of every character, and the lowest prostitutes. No law apparently could reach them. No competent court or authority within its limits in which they might be adequately punished or held for extradition.

When these criminals became offensive, committed some outrage against or encroached on the resident Indians, they were summarily removed by the military and sometimes taken to Fort Smith, Ark., and punished, but in many cases they again escaped into the Territory. An United States court created for the Territory at the last session of Congress, and the enforcement of recent acts for the punishment of crime within its limits, and for the arrest of fugitives, will probably greatly mitigate this evil.

MINERALS.

The mineral or mining possibilities of the Territory are but little known. Prospecting has been very light. In Oklahoma proper salt and gympsum in large quantities, as also great fields of mica, have been discovered. Silver and lead have been found near Ft. Sill, and gold, probably some old Spanish mines, near Purcell; also granite deposits and building stone in quality rivaling eastern granite. Good bituminous coal, excellent for domestic purposes, is abundant, and some of it has long been mined. The extensive coal

fields of the McAlester region have for fifteen years largely supplied the Missouri Pacific railroad with coal, and reliable authorities believe in the existence of great mineral wealth in the Territory.

RAILROADS.

Railroad enterprise is rapidly opening communication with all parts of the Territory, and will greatly facilitate its settlement and the development of its resources.

A division of the Atchison, Topeka, and Santa Fe railroad (the Gulf, Colorado, and Santa Fe road), from Arkansas City, Kan., runs south to Gainesville, Texas, through the Ponca and the Otoe and Missouria reservations, Oklahoma proper, and the Chickasaw nation. This line strikes Oklahoma City on the north fork of the Canadian river, Purcell on the Canadian river, and passes through Washita and Ardmore. The Southern Kansas division of the Atchison, Topeka, and Santa Fe road leaves the Kansas line at Kiowa, runs across the northwest corner of the Territory, extending into the Texas panhandle, and will be ultimately constructed to El Paso,

Union Pacific Railway, Southern branch, running from the southern boundary of Kansas south through the Indian Territory, along the valley of Grand and Arkansas rivers, to Ft. Smith, Ark. This road is now known as the Missouri, Kansas, and Pacific.

Crossing the line at Waggoner, and following the Arkansas river, the Kansas, Arkansas Valley, Little Rock, and Ft. Smith is extending its road to Arkansas City.

Two branches of the St. Louis and San Francisco road extend from Carthage, Mo., into the Territory; one branch entering from Newton County, Mo., crosses the Missouri, Kansas, and Texas at Vinita, and, spanning the Arkansas river, proceeds to Sepulpa. On the north side of the Arkansas river, from Tulsa, the road will be extended through Oklahoma proper, via Ft. Reno and Darlington, to the Canadian river; there it will strike the proposed Atlantic and Pacific. The other branch of the St. Louis and San Francisco road, entering the Territory at Ft. Smith, passes into Texas through the Choctaw nation.

A division of the Missouri Pacific railroad (the Missouri, Kansas, and Texas) enters the Territory near its northeast corner, at Chetopa, Kan., and, running through the Cherokee, Creek, and Choctaw nations in a southwesterly direction, strikes the Texan line at Denison, on the south bank of the Red river. This line traverses the great coal fields of the Territory, passing the towns Vinita, Muscogee, McAlester, Eufaula, Kiowa, and Atoke.

The Chicago, Kansas, and Nebraska railroad (the Rock Island road) is building two important branches; one extending from Liberal, Kan., through No Man's Land, to Texas, and the other southwesterly from Caldwell, Kan., to Wichita Falls, Texas, through the Cherokee outlet and the reservations of the Cheyennes and Arapahoes, Wichitas, and the Kiowas and Comanches, passing through Ft. Reno, Darlington, Anadarko, and Ft. Sill.

The Atlantic and Pacific also proposes to construct a line following the Canadian river, running east and west along its north bank.

INDIAN AND CATTLE TRAILS.

The route from Arkansas City, Kan., is regarded as the best and most practicable for the Oklahoma colonists. From that city the Santa Fe railroad runs directly through the heart of the Oklahoma country, and from it converge many Indian roads or trails. Among these are the Kiowa and Commanche trail, running southwesterly for twenty miles, thence south through the Nez Perce reservation, and thence through the Cherokee ceded lands along a divide to the north line of Oklahoma proper; great trails to the Cheyenne and Arapahoe reservations, and to the Seminole and Cherokee nations; roads to Beaver City, in the Public Land Strip, and to the Texas panhandle.

A stage road, or the Abilene, Kan., cattle trail, runs from the Wichita Indian agency, on the Washita river north, to Wichita, Kan.; while the great Texas cattle trail, running northwesterly, traverses the reservation of the Kiowas and Comanches, and that of the Cheyenne and Arapahoes, and the Cherokee Outlet. Numerous minor roads and trails intersect the Territory.

INDIAN GRAZING LEASES.

In the debate in the House of Representatives of June 3, 1886, Mr. Struble, of Iowa, in a very able, logical, and exhaustive speech, cited a table, prepared by the Secretary of the Interior, of the leases of lands in the Indian Territory, including the Cherokee outlet, for grazing purposes. They are thirty-two in number, and embrace an estimated area of 12,018,234 acres. Of this large area about one-half, or 6,000,000 acres, were in the Cherokee outlet, leased to the Cherokee Strip Live Stock Association; 3,832,120 acres were in the Cheyenne and Arapahoe reservation, 380,000 acres in the Osage reservation, and the remainder (1,806,114 acres) in the reservations of the Kiowas, Comanches, and Wichitas, the Sacs and Foxes, the Poncas, the Otoes and Missourias, the Pawnees, Ottowas, etc. It is estimated, also, that about 2,000,000 acres in Oklahoma proper were covered by these leases. Most of them were dated in 1883; some were dated in 1884, and others in 1885. They extended over periods of two, five, six, and ten years, and embrace rental rates varying all the way from two to fifty cents per acre.

These leases are all without the authority of law or the sanction or approval of the Government.

The leases to the Cherokee Strip Live Stock Association, covering 6,000,000 acres in the Cherokee outlet, and probably 2,000,000 in Oklahoma proper and adjacent country, were relet to or subdivided among nearly one hundred minor cattle companies. Thus our enterprising cattle kings, simply through the usurped powers of the Indians in leasing the lands, monopolize and parcel out among themselves these large areas of valuable land, to the exclusion of thousands of homeseekers, who would gladly settle and cultivate them.

The lease of the Cherokee Strip Live Stock Association expired by its terms in 1888. Nor has it been renewed. A number, but not all, of the leases in the Cheyenne and Arapahoe reservation were vacated by President Cleveland's proclamation of July 23, 1885, and many cattle were removed. Nevertheless, cattle in large herds still range the Cherokee strip. "Cattle

on a thousand hills" in Oklahoma still graze and fatten, and the cattle men, apparently secure in their impunity, advertise their ranches and stock in southern Kansas journals. These cattle men are clearly intruders—unlawful occupants of the land. The Indians are precluded by statute from alienating or leasing their lands for any purpose without the consent of the Government. Nor can the President or the Department approve these leases without the authority of Congress, That Congress has steadily refused. Consequently, the leases under which these lands are held are as unlawful, as they are opposed by the unvarying policy of the Government. That is the opinion of Attorneys General Devens and Garland, and the cattlemen, with their herds, our hyksos or nomad kings, veritable types of semi-barbarism, who thus usurp these lands, excluding the agents or forces of civilization, should be summarily ejected. That is demanded alike by the real purpose of the Indian treaties and by justice to our homeless people.

PUBLIC LAND STRIP OR NO MAN'S LAND.

The public land strip, included in the bill for the organization of Oklahoma Territory, lies within the 100th and the 103d meridian of longitude west, and latitude 36° 30′ and 37° north, bounded on the north by Colorado and Kansas; on the east by the Cherokee outlet; on the west by New Mexico, and on the south by Texas. It is 167 miles in length by 34½ miles in width, and contains an area of 5,761½ square miles, or 3,687,360 acres.

Until the treaty of Guadalupe Hidalgo of February, 1848, this strip of land formed a part of the Mexican possessions claimed by Texas, and was, under the act of September 9, 1850, included in the territory for which the United States paid Texas $10,000,000.

By the treaty of May 6, 1828, besides setting apart 7,000,000 acres for the use of the Cherokee Indians, the United States also guaranteed to that nation "a perpetual outlet" west, and a free, unmolested use of all the country west of the western boundary of the above lands "as far west as the sovereignty of the United States and their right of soil extended." The Cherokees claimed this so-called "Public Land Strip" as the "western outlet" provided for in the treaty of 1828. It was designated on the official maps of the General Land Office, but without authority, up to 1869, as a part of the Indian Territory, but on January 29, 1886, it was held by the General Land Office that, as the jurisdiction ofthe United States at the date of the above treaty extended only to the 100th meridian. no subsequent acquisition of territory by the national government could extend the rights of the Cherokee nation beyond that limit. Hence this so-called "Public Land Strip," being west of that meridian, formed "no part of the Indian Territory or the Cherokee outlet."

Subsequently, up to 1869 and since, also without any proper or legal authority, this body of land has been described on the official maps as the "Public Land Strip."

In the Thirty-third Congress, first session, in the Senate, the original bill and the substitute reported from the Committee on Territories, to organize the Territory of Nebraska, established as its southern boundary the line of 36° 30′ north latitude, its eastern boundary extending to the western boundary line of Missouri. But on January 23, 1854, Mr. Stephen A. Douglas, chairman of the Senate Committee on Territories, stated that the attention of the committee had been called by the chairman of the Committee on Indian Affairs to the fact that the line of 36° 30′ "would divide the Cherokee country, whereas, by taking the parallel of 37° north latitude as the southern boundary of the proposed Territory, the line would run between the Cherokees and Osages, and that the Commi

tee had therefore concluded to vary the southern boundary so as not to divide the Cherokee nation by the terms of the bill." (Cong. Globe, 33d Cong., first sess., p. 221.)

The establishment of the line of 37° north latitude as the southern boundary of Nebraska, which subsequently, on the division of Nebraska into two Territories, (Nebraska and Kansas,) also because the southern boundary of Kansas, consequently left this body of land in its present isolated situation.

This land strip formed a part of what was once described as "the Great American Desert." Cattlemen and their partisans still ridicule it as "an insignificant sandy cactus patch" "a desert," almost unfit for human habitation. But less interested and consequently better and more reliable authorities, the actual settlement of nearly all its lands by a thriving people, the existence within its limits of towns or villages, a population estimated at 15,000, and a quasi government with its headquarters or capital at Beaver on the North Canadian river, all expose the untruthful character and selfish purposes of the story of the cattle bosses, who for many years have with their herds monopolized so large a proportion of its fine grazing areas, and would now defeat its settlement by actual homeseekers.

The face of the country is described as broken, as "a gentle slope," alternating "from sandy plains and treeless prairies in the west to hilly country and well timbered regions in the east." From the foothills of the Rocky mountains the trend of the land and the streams is in a southeasterly direction, and the Washita, Sansboy, and Poteau mountain groups are situated in its central parts, chiefly between the Canadian and Red rivers.

Its lands, lying beyond a timber belt (originally called "The Cross Timbers," varying from 30 to 5 miles in width and supposed at one time to bound the timber region), are naturally rich and fertile, range at a high altitude, are comparatively dry, and proper irrigation is all that is needed for their successful cultivation to all cereal and vegetable crops. Ninety per cent. of the entire "strip," it is estimated, can be profitably cultivated.

Water is described as everywhere abundant in springs and clear running streams. It can be found anywhere by digging. Wells, averaging a depth of 30 feet, furnish an inexhaustable supply, and artesian water has been struck, rendering irrigation of the land by the farmer easy and profitable.

Its possibilities as a fruit growing country are also great. Delicious wild plums are plentiful. A large, luscious grape grows wild in great quantities, and the "strip" is regarded as a possible rival to California in grape culture.

Its climate is described as colder than that of the Indian Territory; its low mean temperature of about 55° being largely due to cold northers from the Rocky mountains. The winters are short, with plenty of sunshine. The thermometer rarely falls below zero. Cattle graze all winter without "feed," and in the spring are turned out as beeves. Rheumatism and malaria are almost unknown, and for asthma, catarrh, and pulmonary and bronchial affections the climate is unsurpassed.

The average rainfall heretofore has been about 20 inches, and is reported as annually increasing.

OKLAHOMA.

By the treaties of August 11 and 16, 1866,* the Creeks ceded to the United States the west half of their entire domain, about 3,402,428.88 acres at 30 cents per acre, and the Seminoles their entire domain, about 2,037,414.62 acres at 15 cents per acre—in all, 5,439,843.50 acres. These cessions, as stated in these treaties, were in compliance with the desire of the government to locate on them other friendly Indians and freedmen.

Accordingly, portions of the lands on the east and west of these cessions have been set apart for the occupancy and use of certain bands and tribes of friendly Indians, and it is the unappropriated lands thus ceded, situated in the center or heart of the "Indian Territory," which constitute the original "Oklahoma," or Oklahoma proper.

But the Springer bill which on February 1, 1889, passed the House of Representatives, for the organization of Oklahoma Territory, includes Oklahoma proper, "the Cherokee outlet," and the so-called "No Man's Land," or "Public Land Strip," and is described as "bounded on the west by Texas and New Mexico, on the north by Colorado and Kansas, on the east by the reservation occupied by the Cherokee tribe of Indians east of the 96th meridian of west longitude and by the Creek, Seminole, and Chickasaw reservations, and on the south by the Creek, Seminole, and Chickasaw reservations and by Texas—comprising what is known as the Public Land Strip, and all that part of the Indian Territory not actually occupied by the five civilized tribes."

Mr. Springer in his report of February 7, 1888, from the committee on Territories, describes its area as follows:

"The area in said Territory not occupied by the Indian tribes and the acreage thereof is as follows:

	Acres.
Cherokee outlet	6,022,244
Public Land Strip	3,672,640
Oklahoma lands	1,887,800
Total	11,582,684

"These areas do not include what is known as Greer county. The bill simply provides that the Territory to be organized shall be bounded on the south by the State of Texas wherever that line may be determined hereafter to be. If it should be decided that Greer county is a part of the Indian Territory and belongs to the United States it will be embraced within the provisions of the bill and the lands thereof be opened to settle-

* These treaties proclaimed August 11 and August 16, 1866, were made, the Seminole treaty on March 21, 1866, and the Creek treaty on June 14, 1866.

ment. Including this county the area of the whole Territory organized under this bill comprises 38,718 square miles, or 24,779,885 acres, an area about the size of the State of Ohio. The Indian tribes now located within said Territory by departmental orders and special acts of Congress are included within the Territory for judicial purposes, and for such other purposes as may be consistent with our treaty obligations with each of these tribes. But it is expressly provided, as stated heretofore, that nothing in the bill shall interfere with any right which any Indian tribe may now have under any treaties or agreements with the United States heretofore ratified."

In Oklahoma proper, a rolling country with no great altitudes, no Indians have been allowed to reside nor are there any white settlements. It is absolutely uninhabited except by straggling hunters, who dare not even build a shanty from which to hunt, and by cowboys attending the herds which still manage, in defiance of executive orders for their removal, to hold their ground in some parts. The climate is "delightful;" neither too cold in winter nor too hot in summer. The lowest temperature in winter is zero, rarely falling, however, and only for short periods of a day or two, below 15° or 20° above zero.

There is no waste land in the country. On seventy-five per cent. of the land, a rich loam capable of the highest cultivation, tropical as well as all cereal and vegetable products can be readily raised, while the remainder are excellent timber and grazing lands, the luxuriant hay grasses of which, growing wild and higher than a horse's head, demonstrate the great natural fertility of the soil.

A writer in the *American Field* of a recent date declares: "If there is a more beautiful or more fertile spot on earth the question as to the location of the original garden of Eden is settled."

CHEROKEE OUTLET,

Sometimes called the "Cherokee Strip," embraces an area of 6,022,244 acres. By the treaty concluded May 6, 1828, and ratified May 28, 1828, Article 2, and by subsequent treaties, "the United States guarantee to the Cherokee nation 7,000,000 acres" of land, and "a perpetual outlet west, and a free and unmolested use of all the country lying west of the western boundary" of the 7,000,000 acres "as far west as the Government of the United States and their right of soil extend," which, in 1828, extended only to the 100th meridian. It is bounded on the north by Kansas, on the west by the Public Land Strip and Texas, on the east by the Cherokee reservation, and on the south by the Cheyenne and Arapahoe reservation, Oklahoma proper, etc. Within its limits are neither Indians nor white settlements. Its surface is described as rolling, with no great elevations, and is watered by the Cimarron river and the Salt Fork of the Arkansas river flowing through its centre. Its luxuriant and rich grasses furnish excellent food, and its broad prairies and plains extensive ranges for stock, and with sufficient rainfall or proper irrigation its naturally fertile lands for farming purposes will rival any elsewhere.

The Cherokee National Council, on May 19, 1883, passed an act directing the principal chief (D. W. Bushyhead) to execute a lease to the "Cherokee Strip Live Stock Association," composed of wealthy capitalists of Missouri, Kansas, and other States, and incorporated under the laws of Kansas, at an annual rental of $100,000, payable semi-annually in advance, for grazing purposes, of all the unoccupied land of the Cherokee nation (about 6,000,000 acres) "being and lying west of the 96th meridian and west of the Arkansas river." The lease was dated July 5, 1883, and was to extend from October 1, 1883, over a period of five years. It expired in 1888, and has not been renewed.

PROVISIONS OF THE SPRINGER BILL.

AS IT PASSED THE HOUSE OF REPRESENTATIVES, FEBRUARY 1, 1889.

BOUNDARIES OF THE TERRITORY—RIGHTS OF THE INDIANS RESERVED.

(Section 1.)

This bill (H. R. 10,614) to organize the Territory of Oklahoma, and for other purposes, while defining the boundaries (see p. 13) of the Territory, reserves to the Indians all their rights of persons and property and occupancy of lands under the laws and treaties of the United States, executive order or other lawful authority, and no lands lawfully occupied by the Indians are to be included without their consent within the limits or jurisdiction of any State or Territory, except for judicial purposes as provided, reserving also the authority of the United States to make any regulation or law respecting such Indians, their lands, property, or other rights.

TERRITORIAL OFFICERS, LEGISLATURE, DELEGATE, ETC.

(Sections 2 and 3.)

The organization of a Territorial government is provided for, as also the the appointment by the President of its executive and judicial officers, and the election of a legislature and delegate to Congress, said officers after the the expiration of five years from the organization of the Territory to be selected from the *bona fide* residents of the Territory. The Constitution and laws of the United States not locally inapplicable are extended over the Territory; the existing local governments of the Indians are not to be disturbed, and the jurisdiction of the Territorial Supreme Court is defined as embracing all causes of action, crimes, and offenses arising within the limits of the Territory. The laws giving jurisdiction to United States courts are repealed.

PUBLIC LAND STRIP.

(Section 4.)

The Public Land Strip is declared a part of the public domain open to settlement under the homestead laws *only*, reserving the 16th and 36th sections in each township as school lands, but the provisions of section 2301, R. Stats., is not to apply to any entry of said land.

SETTLEMENT OF THE UNAPPROPRIATED LANDS—HOW, WHEN, BY WHOM—PRICE PER ACRE, AND AREA OF ENTRY, ETC.

(Sections 5 and 6.)

The assent in a legal manner of the Cherokees, Seminoles, and Creeks is to be obtained before the opening to sale and settlement (at $1.25 per

acre, in quantities of 160 acres each, by actual settlers, *bona fide* citizens head of families or over 21 years of age,) of the unappropriated lands ceded by those Indians to the United States, reserving the 16th and 36th sections in each township as school lands, and no entry of lands is to be permitted prior to the assent of the Indians or before the time fixed by the President for the opening of the lands to settlement; an accurate account is to be kept of the proceeds of such sales, placed to the account of the Indians, and a commission is to ascertain whether they are entitled to further compensation.

ESTABLISHMENT OF LAND OFFICES—PAYMENTS FOR AND CONDITIONS OF ENTRY OF LAND—SOLDIERS' RIGHTS—NO BENEFITS TO RAILROAD OR OTHER CORPORATIONS, ETC.

(Section 7.)

Four land offices, with the usual officers to conduct their business, are to be established by the President; all unsurveyed lands are to be surveyed and subdivided; all lands entered are to be square in form; continuous personal residence on the land, and its cultivation and improvement, for *three* years, in the manner prescribed by the homestead laws, are exacted as conditions of entry, and not less than 40 acres must be broken and plowed before title may be claimed or issue. Payments, where required, are to be made in four equal installments, the first within 6 months from the date of entry, the second at the expiration of 12 months, the third at the expiration of 2 years, and the fourth and last at the expiration of 3 years from date of entry. Around every section of land four rods wide are reserved as public highways, but no deduction in the amount to be paid for each quarter section is to be made by reason of such reservations. If the highway should be vacated by any competent authority the title to the respective strips is to inure to the benefit of the then owner of the tract of which it formed a part by the original survey. The rights of honorably discharged soldiers on the public lands are reserved unimpaired. No extinguishment of the Indian title for the benefit directly or indirectly of any railroad or other corporation, or any assignee or mortgagee of any road or corporation, is permitted. All acts of any officer or agent of the United States and of the Indians granting lands, or which might validate or give effect to any grant of land, to any railroad or other corporation, are declared null and void, and all lands and rights granted to the Atlantic and Pacific R. R. Co. by the act of January 27, 1866, are declared forfeited.

HOMESTEADS ONLY TO ACTUAL SETTLERS, CITIZENS OF THE UNITED STATES—LANDS ENTERED NOT LIABLE TO DEBTS PRIOR TO FINAL PROOF—DECLARATORY STATEMENT, ETC.

(Section 8.)

Homestead forms and the general principles and provisions of the homestead laws, except three instead of five years' continuous residence on and cultivation of and payment for the land, are to apply to all entries, and patents will only issue to *bona fide* citizens at date of final proof and payment. Final proof and payment, except in cases of contest, are required to be made within three months after the expiration of three years from

date of entry, and on default in that or in payment of any installment of the purchase money when due, the entry is made liable to cancellation and the money paid forfeited to the United States. All sales, leases, conveyances, and mortgages of the public lands prior to final proof and payment, and the register's or receiver's record of the same, are forbidden and declared absolutely null and void; the lands entered are not liable for any indebtedness or obligation incurred previous to issue of patent, and all assignments, transfers, and mortgages of unpatented lands are declared to be at the risk of the assignees, transferres, and mortgagees.

Homesteads only to actual settlers. No preferred right to entry will be allowed to any person by reason of claim of occupancy prior to the application to enter, except in cases of actual occupancy and continued residence on the land to the date of application to enter. No right of an alleged settler as such shall attach to land until the date of his actual *bona fide* and continuous residence on the land. Declaratory statement must contain a true and full recital of the date and facts of residence and last place of residence prior thereto, and detailed description of improvements, all verified by the oath of the applicant and at least one credible witness before the register or receiver of the proper land office as to all facts, except that proof of the applicants place of residence may be made before any officer authorized by law to administer oaths. False swearing thereto subjects affiant to the same penalty as if sworn to before the proper register or receiver.

TOWNSITES—PARKS OR RESERVATIONS.

(Section 9.)

The Secretary of the Interior is authorized to reserve any public land as townsites for any existing or prospective town, city, or village, in areas not exceeding 640 acres each, in compact form, or such additional area in governmental subdivisions as may wholly or in part be occupied as a town, city, or village site. All applications to enter land within half mile of a railroad constructed, or within that distance of a railroad not constructed, but where its map of location was filed with the Secretary at the date of application to enter the land, must be approved by the Secretary, as also of any land on which at date of application is a town or village settlement. and no settlement in advance of survey by proper authority shall give any right as against the power of the Secretary to reserve townsites, the object being to secure to the inhabitants of all towns, cities, and villages the benefits and profits arising from sales of lots therein. Lots in any townsite are by the Secretary to be offered, sold, and conveyed under the provisions of section 2,382 and 2,383 of Revised Statutes. Proceeds of sales of lots in townsites, less the amounts due the Indians, are to constitute a school fund, to be expended by the Secretary in the erection of school buildings and the support of public schools, until the legal incorporation of the respective towns, cities or villages, when the title to unsold portions of such sites will vest in the municipality and the proceeds thereof, as well as any balance in the hands of the Secretary, paid to the local authorities and be devoted to public purposes within the coporate limits. The Secretary is empowered to make all needful rules and regulations to carry into effect any details not specifically provided for. In all surveys of townsites

are to be reservations for a park or parks, of substantially equal areas if more than one, and for other public purposes, embracing in the aggregate not less than 10 nor more than 20 acres; but no deduction is allowed on account of these reservations in the sums to be paid for said townsites, and patents for such reservations shall be issued to the towns respectively when organized as municipalities.

LANDS TO BE OPENED TO SETTLEMENT—SECRETARY TO FIX PRICE OF LAND, NOT TO EXCEED $1.25 PER ACRE.

(Section 10.)

All lands not required by law, treaty stipulations, executive order, or right of occupancy for the use of any Indian tribe, or which may be relinquished as an Indian reservation, are to be opened to settlement, and the President is authorized to fix to actual settlers the price of lands purchased from the Indians not to exceed $1.25 per acre, the proceeds to constitute a fund for the benefit of the Indians.

COMMISSION TO NEGOTIATE CESSION OF LANDS AND ASCERTAIN WHAT COMPENSATION MAY BE DUE THE INDIANS.

(Section 11.)

A commission of five, not more than three of whom are to be of the same political party, is to be appointed by the President, to open negotiations with the Cherokees, Seminoles, and Creeks to secure their consent in a legal manner, to the opening to settlement of the unoccupied land ceded to the United States by the Indian treaties of 1866, and to ascertain what additional sum may be due those Indians in compensation for the lands thus ceded. The commission is authorized to enter into such agreements with the Indians as it may deem necessary to accomplish this purpose, subject to the approval or rejection of the President. The compensation of the commission is fixed at $10 per day, with traveling expenses and stationery and postage, and is allowed a Secretary at a per diem of $6 and traveling expenses.

UNLAWFUL AND FRAUDULENT ENTRIES—MISDEMEANOR AND PENALTY.

(Section 12.)

Settlement on any lands opened to settlement by this act, or to directly or indirectly procure the settlement of any such land by any person, with a view of afterwards acquiring title to said lands from said occupant for himself or for any company, association or corporation, is declared unlawful and fraudulent. Parties to such fraudulent settlement are declared guilty of a misdemeanor, and the penalty on conviction fixed at $1000 fine or twelve month's imprisonment, or both, in the discretion of the court.

UNLAWFUL LEASES AND REMOVAL OF LESSEES.

(Section 13.)

All leases of lands belonging to the United States, or held in common by any of the Indian tribes within the Territory, including the Cherokee strip west of the 96th meridian, whether controlled by persons or by corporations or others, except such leases as are held for the purpose of cultivating the soil strictly for farming purposes, are declared null and void and

contrary to public policy; and the removal from said lands of all such lessees, and all persons illegally occupying the same, is made the duty of the President immediately after the passage of the act.

REPEAL OF ALL RAILROAD LAND GRANTS AND FORFEITURE OF RAILROAD LANDS.

(Section 14.)

The grants to the State of Kansas in aid of the construction of the Kansas and Neosho Valley Railroad and its extension to the Red river, and in aid of the construction of the Southern Branch of the Union Pacific railway and telegraph from Ft. Riley, Kans., to Ft. Smith, Ark., and all other grants for railroad purposes within the Indian Territory and Public Land Strip, except for the right of way and necessary stations now provided by law, are repealed. And all and any rights to said lands are forfeited to the United States; and no railroad company now organized or hereafter to be organized shall ever acquire any lands in aid of the construction of its road, or in consequence of any railroad already constructed, either from the United States or any Indian tribe or from the territorial government within the limits of the proposed Territory of Oklakoma.

ALL INDEBTEDNESS FOR PUBLIC IMPROVEMENTS PROHIBITED.

(Section 15.)

The legislature and the counties, towns, and cities of the Territory are prohibited to create or contract any indebtedness for any work of public improvements, or in aid of any railroad constructed or to be constructed, or to subscribe for or purchase any shares of stocks of any railroad company or corporation.

LANDS OF GREER COUNTY EXCEPTED.

(Section 16.)

The provisions of the act not to apply to any lands within the limits of what is known as Greer county until the determination of the question of title thereto in favor of the United States.

The aim and effect of the bill is in favor of the actual settlement of the land by *bona fide* homesteaders—its actual and permanent occupation and cultivation by American citizens in small farms of 160 acres each, excluding all cattle, railroad, and other syndicates or bosses.

FIVE CIVILIZED TRIBES.

These five civilized tribes, as communities, have greatly advanced in civilization, Savagery and barbarism in their grosser forms have practically disappeared from among them. They have constitutional forms of government and system of laws based on those of our States. Many of their principal men are educated and possessed of much ability. Christian churches and the finest schools liberally supported are established among them. All the avenues or avocations of business or trade are intelligently and industriously occupied by them and in many instances with lucrative rewards, and in all the external forms of their civilization these Indians greatly resemble their white neighbors. But the wealthy among them are apparently oblivious of the oppressions and sufferings which they or their fathers endured in their early homes at the hands of the white man, and against which they so long, so loudly, and so pathetically protested, or wholly ignore them, and are afflicted with the least amiable of "the white man's ways," as manifested in their maintenance of the tribal tenure of the land, in which they emulate all the cupidity and greed of their early Saxon oppressors, supporting them with like agencies—usurpation, injustice, and tyranny. Under this tribal tenure all the land in theory is held in common by the whole community, equally owned by every member of the tribe, but are practically, in fact, monopolized by the grasping and avaricious few. Many of the wealthy cultivating tribal lands pay no rent for their use into the common treasury for the benefit of the poorer or less fortunate of their race, who, nevertheless, under this tribal tenure, have an equal share in the soil. The rich and choice lands have thus already been appropriated by the most enterprising and self-seeking. Many of their farms contain 500 and 1000 acres, abundantly stocked, and enclosed within wire fences. The proprietor of one of these immense estates of a thousand acres, under the tribal tenure, has the power to add an additional 1000 acres to his farm by excluding all others from the occupation of lands for a distance of a quarter of a mile all around the tract fenced.

Commissioner of Indian Affairs J. D. C. Atkins, in his annual report for 1886, describes a case which came within his personal observation on a visit in 1885, to the Creek nation. He says,

> A case of this sort came under my personal observation on a visit to the Creek nation in 1885. I was credibly informed that one of the Creeks had under fence over 1,000 acres, and, of course, under their laws and usages, he had the right to exclude all other members of the tribe from claiming any land embraced within the limits of a quarter of a mile in width surrounding the inclosed farm of 1,000 acres, provided he made the first location. This estate was handsomely managed, with many modern methods and improvements. A costly residence stood upon it, and large, commodious barns, stables, &c., were provided. The owner cultivated this farm with laborers hired among his own race—perhaps his own kith and kin—at $16 per month, and they lived in huts and cabins on the place without a month's provisions ahead for themselves and families. They owned of course their tribal interest in the land, but the proceeds of the valuable crops which were raised by their labor swelled the plethoric pockets of the proprietor. In this

instance the crops grown, in addition to large quantities of hay, consisted of 25,000 bushels of corn, fattening for market 200 head of beef cattle and 300 head of hogs. The proprietor grows annually richer, while the laborers, his own race, joint owners of the soil, even of the lands that he claims and individually appropriates, grow annually and daily poorer and less able to assert their equal ownership and tribal claim and, shall I say, constitutional privilege and treaty rights.

Commissioner Atkins adds:

Now this condition of semi-slavery, shall I call it, exists in each of the five civilized nations, and grows directly out of the holding of lands in common, and is necessarily inherent in this system of tenantry.

And Indian Agent Owens, in his annual report of 1886, also says:

The Washita valley, in the Chickasaw nation, is almost a solid farm for 50 miles. It is cultivated by white labor largely, with Chickasaw landlords. I saw one farm there said to contain 8,000 acres, another 4,000, and many other large and handsome places.

Commissioner Atkins, with some indignation, declares:

I have endeavored to obtain some reliable data as to the number of farms containing 1,000 acres which exist in the five tribes. It did not occur to me that eight times that amount of rich valley land had been appropriated by one proprietor, that another owner had 4,000 acres, and that there were "many other very large and handsome places" in the same valley, each owned by individual proprietors, but all being tribal lands. A system of laws and customs, where tribal relations exist and lands are owned in common, which permits one Indian to own so large a quantity of land, to the exclusion of all other Indians, merely because he was first to occupy it, or because he inherited it from his father, who occupied it originally, when all other Indians have equal tribal rights with the happy and fortunate possessor, needs radical reformation. *Are these the sacred rights secured by treaty, which the United States are pledged to respect and defend? If so, then the United States are pledged to uphold and maintain a stupendous land monopoly and aristocracy that finds no parallel in this country*, except in two or three localities in the far West; and in these instances it may be said that the titles are clear (having been obtained by purchase from the Government), however questionable may be the policy which makes it possible for one man to own unlimited quantities of land.

The only claim to these "baronial estates" are founded in usurpation—in a practical seizure of the land by the first occupant, or by inheritance in the resident from his father, who had originally spoliated the land and transmitted it to his descendants after the manner of the early feudal barons.

Here we have among these five civilized tribes, the dominant people of the Territory, with the cognizance of the United States, a grinding aristocracy of wealth, usurping the land, the basis of all power, crushing out the manhood of the majority, fixing them in a permanent and dependent or semi-servile state of ignorance and poverty, and rendering them incapable of asserting or maintaining their liberties and rights under their own system of laws.

Hence, what in effect these five civilized tribes claim from the United States in demanding protection under the intercourse laws against "the aggressions of white intruders," is the maintenance of the tyrannical usurpations by the wealthy and powerful few over the land, and that protection for fifty years they have received from the United States army in the harsh and somewhat cruel expulsion of all white intruders, such as Captains Payne and Couch and their "boomers" in their several incursions into the "Territory"—in the expulsion of all intruders except the cattle kings or cowboys, with whom for gold in the form of rent they combine in a monopoly of the land. Consequently, these powerful leaders, these grasping usurpers of the land, secure in the support of the army, employ all their great influence in

resisting any modification of their tribal land tenure, all dismemberment of their territory for the purposes of white settlement, all plans for the individual allotment of land in severalty to the mass of the Indian population, under which every Indian, even of those now wandering round as day-laborers, "poor, weak, and ignorant," would be endowed with a definite and permanent home, a valid homestead invested in himself and children, which by the exercise of reasonable labor in its cultivation, would yield him a livelihood, and render him and his children respectable and independent.

No oppression or robbery of the Indian by the white man in the past or present, or in degree or character, surpasses that thus inflicted by our Indian barons on the masses of their own race. Our Indian autocrat becomes himself the spoiler of the Indian—a rival of the white man in cupidity and greed in the spoliation of his race.

It has been very justly urged that the treaties with these Indians never contemplated "an idea so un-American and absurd" as the establishment in our midst of a separate, foreign, or independent nationality or sovereignty, with absolute power to shape its forms of government or laws without regard to the surrounding civilization. Such an idea is utterly repugnant to the genius of our institutions. These Indians are simply the wards of the nation. As such they are amenable to its lawful control. They have no just right under their treaties with the United States, no right under our laws to an independent sovereignty, as inimical to our institutions, as hostile to all progress and civilization, as that attempted in Utah by the Morman worshipers of "the Church of Jesus Christ of Latter Day Saints." *

---

* "Mr. HERMANN, of Oregon. Is it not destinctly understood by the Indian tribes, and is it not now *claimed* by them, that it was the moving conditions of their treaties of cessions that their lands should be used for the permanent settlement of friendly and civilized Indians?

"Mr. WEAVER, of Iowa, The title to that land does not depend on what the Indians *claim*, but on the *language of the treaty*. Now, the treaty of cession shows the purpose for which these Indians parted with their land. Their motive was to secure money required by them to stock their farms and with which to build houses and fences. That is shown in the record. The Creeks and Seminoles ceded all their lands, including Oklahoma and the land then occupied by them, and bought of the government other land to the east, which was more fertile and better timbered. This is the land which constitutes their reservations. I do not understand, Mr, Chairman, that any thing the Indians may now claim has anything more to do with the question than a mere averment in a plea. It depends altogether on the testimony.

"Mr. HERMANN. I understand the gentleman to say that the Indians do not claim what I suggested.

"Mr. WEAVER, of Iowa. They do not claim *title*." * * *

"Mr. STRUBLE, of Iowa. The Indians claim everything they can claim. They are sharp fellows. They and their friends in this House are asserting that by reason of the third article in the treatise of 1866—

["Act III. In compliance with the desire of the United States to locate other Indians and freedmen thereon," the Creeks and Seminoles "cede and convey." &c.]

such an equity obtains between the government and these Indians that, although by these treaties they voluntarily parted with their legal title, we have no authority to extend our political jurisdiction over the land ceded by them in 1866; they having sold it as they allege for the sole purpose of the settlement thereon of friendly Indians.

"Mr. HERRMANN. Was it not specifically stipulated that these lands were to be used for the specific purpose?

"Mr. STRUBLE. No, sir, not in terms."

Debate in House of Representatives, June 3, 1866.

Hence, the really practical issue thus raised by the usurpations, tyranny, and greedy inhumanity of the dominant classes of these five tribes or nations is not so much a legal one under their treaties as one between barbarism and the forces of civilization. Shall these Indian autocrats be allowed to fix a boundary to the progress of civilization within the republic? Shut out from their surplus lands the enterprising and thrifty civilized white man? Will the United States continue to recognize and support the long existing alliance of the autocratic Indian oppressor with the cattle kings. That is the practical issue.*

At the date of its creation, in 1830, this Indian Territory constituted a part of the "Great Far West," a part of our surplus lands on the extreme borders of the republic, outside of all civilized white settlement, and not required by any want or demand of our people. All these conditions have long since ceased to exist. The "Far West" has removed to the Pacific coast, leaving these unoccupied and fertile lands a vast wilderness in the midst of a teeming civilization. Nor has the United States now a surplus of lands; its population is increasing in an unprecedented ratio, while its public domain is rapidly diminishing, and thousands of our homeless people are demanding homes on these unoccupied Indian lands. Why should these lands be denied them? Their demand is in the interest of civilization†

It contemplates no injustice to the Indians, no removal of the Indians from their present firesides or homes, no violation of the real object or purpose of any Indian treaty. Our homeless people only ask the privilege or right to establish homes on lands unoccupied by these Indians, impossible

---

*"Secure in the protection of Uncle Sam; their exchequers bursting with the golden product of perpetual annuities and temporary gratuities; more fortunate than other rebel communities of the south, in that they are relieved from all care for the support of the government that upholds and protects them; with a thousand acres per capita of the richest agricultural lands in the United States; and blocking the pathway of civilization—with all these blessings the Indians ought to be able to pick their teeth in contentment.

"But like the dog in the manger they are unwilling that others should share what they cannot use. Sole lords over a dominion broad enough to support 2,000,000 people, they are alarmed and pained that the civilization which has magnanimously refrained from disputing their greedy position is disposed to go around them and plant itself to the west of them. So they hie themselves to their faithful friends, the cattle barons, for comfort and advice. Between them they trump up an argument whereby they fondly hope to convince the people of this country that 23,000,000 acres of land virtually unoccupied and lying wholly beyond the five civilized tribes should be still longer reserved from public settlement for the financial benefit of the cattle kings and the parasites which always infest a great political monopoly like our Indian system."—*Hon. Isaac S. Struble, of Iowa, in House of Representatives, June 3, 1886.*

†"The imperative necessity of preserving the cattle-man in his unlawful possessions, the outlaw in his immunity from justice, the Indian agent in his field for speculation, and the Indian in his mental and moral degradation, by a further continuance of the present anomalous and outrageous condition of affairs in the Indian Territory has been portrayed in vivid colors until we are almost led to believe that Anglo-Saxon progress has reached an obstacle which it cannot surmount, and that the civilization of the revolver and bowie-knife is the only civilization possible in that benighted region."—*Hon. Isaac S. Struble, in House of Representatives, June 3, 1886.*

to be utilized by them,* and from which they can derive no benefit, except by unlawful leases to the cattle bosses, and that not for the benefit of the great mass of the Indian population, but practically for the emolument of the usurping Indian autocrats. Why, then, should not these wealthy Indian barons be required to "assent" to the opening to white settlement of the unappropriated lands of the tribes? Why, then, should they not be compelled to abandon their usurpations—be coerced to recognize the rights of the Indian people, to disgorge their ill-gotten estates, and submit to a distribution in severalty of the land among the tribal masses? Is not the United States bound by its treaty obligations to destroy, uproot, this autocratic servile system, to protect the Indian people in an equal participation in the profits of the soil, and advance the cause of civilization and freedom by maintaining the rights of the white man to a settlement and cultivation of all unoccupied lands of our domain? Neither under their treaties nor our laws have these Indians a right to monopolize these lands—to interdict their settlement by white and civilized races, especially as their settlement, for which the Indians will be amply paid under the Springer bill, will greatly enhance the value of their occupied lands, and surround them with all the grand benefits of an advancing civilization.

Hence the Government, in the proposed establishment of the Territory of Oklahoma, simply yields to the demands of civilization and justice. Let it therefore be done, and done quickly.

---

*"The vast surplusage of land in the Indian Territory, much of it, too, not surpassed anywhere for versatility and fertility of production, which can never be utilized by the Indians now within its border, nor by their descendants (for it is not probable that there will be any material increase in numbers of Indian population), must sooner or later be disposed of by Congress some way or other."—*Commissioner Indian Affairs Annual Report for 1886.*

PUBLIC LANDS IN OKLAHOMA—DISPOSAL THEREOF.

The 12th, 13th, 14th, and 15th sections of the act of Congress entitled, "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30th, 1890, and for other purposes," approved March 2, 1889, provides for throwing open to settlement by proclamation of the President a portion of the lands in the Indian Territory indicated therein as lands ceded to the United States or to be ceded to them by the Indian tribes having claims thereto. In pursuance thereof, the President issued his proclamation under date of the 23d, March, 1889, opening a portion of the lands referred to lying within certain boundaries therein specified to settlement at and after twelve o'clock, noon, of the 22d of April next. To give effect to these provisions, two land districts, the western and eastern, have been established by the President, with the Land Office for the former at Kingfisher Stage Station, and for the latter at Guthrie, and public notice thereof given by the Commissioner of the General Land Office, March 27, 1889, in which the boundaries of the districts are respectively set forth.

Parties having the prescribed legal qulifications may go upon the lands, except sections 16 and section 36, which are reserved for schools, at and after the day and hour named, and acquire incipient homestead rights thereto by *bona fide* acts of settlement, which may be perfected into complete title by subsequent compliance with legal requirements, or a party may, should he prefer, apply at the proper district land office and make entry prior to settlement, after which he will be allowed the period of six months within which to establish his residence on the land entered. If settlement precedes entry at the local office, the latter must be made within three months from date of settlement.

The following is a statement of the provisions of the general homestead laws applicable to these lands, under existing conditions, viz:

The homestead laws secure to qualified persons the right to settle upon, enter, and acquire title to not exceeding one quarter section or 160 acres of public land, by establishing and maintaining residence thereon, and improving and cultivating the land for the continuous period of five years.

A homestead entryman must be the head of a family, or a person who has arrived at the age of twenty-one years, and a citizen of the United States, or one who has filed his declaration of intention to become such, as required by the naturalization laws.

Lands subject to homestead entry are such as, under existing laws, are subject to pre-emption, under the general pre-emption laws.

When a person desires to enter a tract of land he must appear *personally* at the district land office and present his application (Form No. 4—007), and must make the required affidavits before the *register or receiver*, there being no county courts yet organized.

A person in active service in the Army or Navy of the United States, whose family or some member thereof is residing on the land which he wishes to enter, and upon which a *bona fide* settlement and improvement has been made by them, may make the affidavit required by law before the officer commanding in the branch of service in which the applicant is engaged. (Rev Stat., 2293.)

A false oath taken before the proper officer, under section 2293, is perjury, the same as if taken before the register or receiver.

The period of actual inhabitancy, improvement, and cultivation required under the homestead law is five years

Where a wife has been divorced from her husband or deserted, so that she is dependent upon her own resources for support, she can make homestead entry as the head of a family or as a *femme sole*.

A single woman who makes a homestead entry and marries before making proof does not by her marriage forfeit her right to make proof and receive patent for the land, provided she does not abandon her residence on the land to reside elsewhere. A residence elsewhere than on the land entered for more than six months at any one time is to be treated as an abandonment of the homestead entry, under section 2297, Revised Statutes.

APPLICATION FOR A HOMESTEAD.

To obtain a homestead the party should select and personally examine the land and be satisfied of its character and true description.

He must file an application stating his name, residence, and post-office address, and describing the land he desires to enter (Form 4—007), and make affidavit (Form 4—063); that he is over the age of twenty-one years or the head of a family; that he is a native-born (or naturalized) citizen of the United States, or has declared his intention to become a citizen, as required by the naturalization laws (or has performed service in the Army or Navy of the United States); and that the entry is made for his exclusive use and benefit, and for actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person, and that he has not theretofore made an entry under the homestead laws, and must pay the legal fee and that part of the commissions which is payable when entry is made.

But a party who, prior to said act of March 2, 1889, made a homestead entry and for any cause failed to secure a title in fee, or who commuted his entry, will not be required to make oath that he had not made an entry, but may make affidavit to the facts of such entry, and failure to acquire a title in fee or to the commutation of his former entry, describing the land by legal subdivisions, or giving the number and date of entry with the land office where made, and may, thereupon, be permitted to make entry again. In the case of parties who make entries *subsequent* to the date of said act, the following general rule will apply, viz:

ONLY ONE HOMESTEAD PRIVILEGE TO THE SAME PERSON PERMITTED.

As the law allows but one homestead privilege, a settler relinquishing or abandoning his claim cannot thereafter make a second entry, although where the entry is canceled as invalid for some reason other than abandonment, and not the wilful act of the party, he is not thereby debarred from entering again, if in other respects entitled, and may have the fee and commissions paid on the canceled entry refunded on proper application under the act of June 16, 1880. (Hannah M. Brown, 4 L. D., 9; Goist *vs.* Bottum, 5, L. D., 643; Jasper N. Shepherd, 6 L. D., 362.)

Where a party makes a selection of land for a homestead he must abide by his choice. If he has neglected to examine the character of the land prior to entry and it proves to be inferior or otherwise unsatisfactory he must suffer the consequences of his own neglect.

In some cases, however, where obstacles which could not have been foreseen, and which render it impracticable to cultivate the land, are discovered subsequently to entry (such as the impossibility of obtaining water by digging wells or otherwise), or where, subsequently to entry, and through no fault of the homesteader, the land becomes useless for agricultural purposes (as where by the deposit of "tailings', in the channel of a stream a dam is formed, causing the waters to overflow,) the entry may, in the discretion of the Commissioner of the General Land Office, be canceled and a second entry allowed; but, in the event of a new entry, the party will be required to show the same compliance with law in connection therewith as though he had not made a previous entry, and must pay the proper fees and commissions upon the same.

On compliance by the party with the foregoing requirements for making entry, the receiver will issue his receipt for the fee and that part of the commissions paid (Form 4—137), a duplicate of which he will deliver to the party. The matter will then be entered on the records of the district office and reported to the General Land Office.

SIMULTANEOUS APPLICATIONS.

In cases of simultaneous applications to enter the same tract of land under the homestead laws, the rule is as follows:

First. Where neither party has improvements on the land the right of entry should be awarded to the highest bidder.

Second. Where one has actual settlement and improvement and the other has not, it should be awarded to the actual settler.

Third. Where both allege settlement and improvements, an investigation must be had and the right of entry awarded to the one who shows prior actual settlement and substantial improvements so as to be notice on the ground to any competitor. (Report of General Land Office for 1866, p, 19; also case of Helfrich *vs.* King, 3 Copp, L. O., p. 164.)

RESIDENCE OF APPLICANT MUST BE STATED.

The applicant must in every case state in his application his place of actual residence and his post-office address, in order that notices of proceedings relative to his entry may be sent him.

INCEPTIVE RIGHTS OF HOMESTEAD SETTLERS.

An inceptive right is vested in the settler by the proceedings hereinbefore described. He must, within, six months after making his entry, establish his actual residence, in a house upon the land, and must reside upon and cultivate the land continuously, in accordance with law, for the term of five years.

Occasional visits to the land once in six months or oftener is not residence. The homestead party must actually inhabit the land and make it the home of himself and family, as well as improve and cultivate it.

At the expiration of five years, or within two years thereafter, he may make proof of his compliance with law by residence, improvement, and cultivation for the full period required, and must show that the land has not been alienated except as provided in section 2288, Revised Statutes. (Sec. 2291, Rev. Stat.)

The period of continuous residence and cultivation begins to run at the date of actual settlement, in case the entry at the district land office is made within the prescribed period (three months) thereafter or before the intervention of a valid adverse claim. (Act May 14, 1880; 21 Stat., 140.)

CULTIVATION IN GRAZING DISTRICTS.

In grazing districts, stock-raising and dairy production are so nearly akin to agricultural pursuits as to justify the issue of patent upon proof of permanent settlement and the use of the land for such purposes.

FINAL PROOF.

A settler desiring to make final proof must file with the register of the proper land office a written notice, in the prescribed form, of his intention to do so, which notice will be published by the register in a newspaper to be by him designated as nearest the land, once a week for six weeks, at the applicant's expense.

Applicants should commence to make their proofs in sufficient time, so that the same may be completed and filed in the local office within the statutory period of seven years from date of entry.

Proofs can only be made by the homestead claimant in person, and can not be made by an agent, attorney, assignee, or other person, except that in case of the death of the entryman, proof can be made by the statutory successor to the homestead right, in the manner provided by law.

HEIRS OF A HOMESTEAD SETTLER.

Where a homestead settler dies before the consummation of his claim, the widow, or in case of her death, the heirs, may continue settlement or cultivation and obtain title upon requisite proof at the proper time. If the widow proves up, title passes to her; if she dies before proving up and the heirs make the proof, the title will vest in them. (Sec. 2291, Rev. Stat.)

Where both parents die, leaving infant children, the homestead may be sold for cash for the benefit of such children, and the purchaser will receive title from the United States, or residence and cultivation may con-

tinue for the prescribed period, when the patent will issue to the children. (Sec. 2292, Rev. Stat.)

A homestead right cannot be devised away from a widow or minor children.

In case of the death of a person after having entered a homestead, the failure of the widow, children, or devisee of the deceased to take up residence on the land within six months after the entry, or otherwise to fulfill the demands of the letter of the law as to residence, will not necessarily subject the entry to forfeiture on the ground of abandonment. If the land is cultivated in good faith the law will be considered as having been substantially complied with. (Tauer *vs.* The Heirs of Walter A. Mann, 4 L. D., 433.)

HOMESTEAD CLAIMANTS WHO BECOME INSANE.

The rights of a homestead claimant who has become insane may, under act of June 8, 1880, be proved up and his claim perfected by any person duly authorized to act for him during his disability. (21 Statute, 166.)

Such claim must have been initiated in full compliance with law, by a person who was a citizen or had declared his intention of becoming a citizen, and was in other respects duly qualified.

The party for whose benefit the act shall be invoked must have become insane subsequently to the initiation of his claim.

Claimant must have complied with the law up to the time of becoming insane, and proof of compliance will be required to cover only the period prior to such insanity, but the act will not be construed to cure a failure to comply with the law when the failure occurred prior to such insanity.

The final proof must be made by a party whose authority to act for the insane person during his disability shall be duly certified under seal of the proper probate court.

CLIMATIC HINDRANCES.

The proviso annexed to section 2297, Revised Statutes, by amendatory act of March 3, 1881, (21 Stat., 511), provides that in case such settler has been prevented by climatic reasons from establishing actual residence upon his homestead within six months from date of entry, the Commissioner of the General Land Office may, in his discretion, allow him twelve months from that date in which to commence his residence.

In such case the settler must, on final proof, file with the register and receiver his affidavit, duly corroborated by two credible witnesses, setting forth in detail the storms, floods, blockades by snow or ice, or other hindrances dependent upon climatic causes which rendered it impossible for him to commence residence within six months. A claimant can not be allowed twelve months from entry when it can be shown that he might have established his residence on the land at an earlier day; and a failure to exercise proper diligence in so doing as soon as possible after the climatic hindrances disappear, will imperil his entry in case of a contest.

HOMESTEAD CLAIMS NOT LIABLE FOR DEBT AND NOT SALABLE.

No lands acquired under the provisions of the homestead laws are liable

for the satisfaction of any debt contracted prior to the issue of patent. (Sec. 2296, Rev. Stat.)

The sale of a homestead claim by the settler to another party before completion of title vests no title or equities in the purchaser as against the United States. In making final proof, the settler is by law required to swear that no part of the land has been alienated except for church, cemetery, or school purposes, or the right of way of railroad. (Sec. 2288, Rev. Stat.)

HOMESTEAD FEES AND COMMISSIONS.

The land office fees and commissions, *payable when application is made*, are as follows:

	Land at $2.50 per acre.	Land at $1.25 per acre.
For 160 acres	$18 00	$14 00
For 80 acres	9 00	7 00
For 40 acres	7 00	6 00

The land office commissions, *payable at the time of making final proof*, are as follows:

	Land at $2.50 per acre.	Land at $1.25 per acre.
For 160 acres	$8 00	$4 00
For 80 acres	4 00	2 00
For 40 acres	2 00	1 00

It is understood that all the Oklahoma lands are held at $1.25 per acre, and none at $2.50 per acre.

SOLDIERS' AND SAILORS' HOMESTEAD RIGHTS.

Any officer, soldier, seaman, or marine who served for not less than ninety days in the Army or Navy of the United States during the rebellion, and who was honorably discharged and has remained loyal to the Government and who makes a homestead entry of 160 acres or less on any land subject to such entry, is entitled under section 2305 of the Revised Statutes to have the term of his service in the Army or Navy, not exceeding four years, deducted from the period of five years' residence required under the homestead laws.

If the party was discharged from service on account of wounds or disabilities incurred in the line of duty the whole term of enlistment, not exceeding four years, is to be deducted from the homestead period of five years; but no patent can issue to any homestead settler who has not re-

sided upon, improved, and cultivated his homestead for a period of at least one year after he commenced his improvements. (Sec. 2305, Revised Statutes.)

A party applying to make entry under the provisions of section 2304 must file with the register and receiver a certified copy of his certificate of discharge, showing when he enlisted and when he was discharged; or the affidavit of two respectable, disinterested witnesses corroborative of the allegations contained in the prescribed affidavit (Form 4—065) on these points, or, if neither can be procured, his own affidavit to that effect.

A SOLDIER MAY FILE A DECLARATORY STATEMENT IN PERSON.

The filing must be accompanied by the oath of the soldier, stating his residence and post-office address, and setting forth that the claim is made for his exclusive use and benefit, for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and that he has not theretofore either made a homestead entry or filed a declaratory statement under the homestead law (Form 4—546). The fee is $2.

A SOLDIER'S CLAIM MAY BE FILED BY AN AGENT.

Any such officer, soldier, sailor or marine may file his claim for a tract of land through an agent, and may have six months thereafter within which to make his actual entry and commence his settlement and improvements upon the land. (Revised Statutes, 2309.)

In addition to the oath heretofore prescribed, the oath, in case of filing by an agent, must further declare the name and authority of the agent and the date of the power of attorney or other instrument creating the agency, adding that the name of the agent was inserted therein before its execution. It should also state in terms that the agent has no right or interest, direct or indirect, in the filing of such declaratory statement (Form 4—545).

The agent must file (in addition to his power of attorney) his own oath to the effect that he has no interest, either present or prospective, direct or indirect, in the claim; that the same is filed for the sole benefit of the soldier, and that no arrangement has been made whereby said agent has been empowered at any future time to sell or relinquish such claim, either as agent or by filing an original relinquishment of the claimant (Form 4—545.

As implied by the requirement of the oath, a soldier will be held to have exhausted his homestead right by the filing of his declaratory statement; it being manifest that the right to file is a privilege granted to soldiers in addition to the ordinary privilege only in the matter of giving them power to hold their claims for six months after selection, before entry; but is not a license to abandon such selection with the right thereafter to make a regular homestead entry independently of such filing. This is clear from the statutory language. Section 2304 provides that "the settler shall be allowed six months, after locating his homestead and filing his declaratory statement, within which to make his entry and commence his settlement and improvement;" and section 2309 requires him "in person" to "make his actual entry, commence settlement and improvement on *the same*, and

thereafter fulfill all the requirements of law." These must be done on "the same" land selected and located by the filing.

The foregoing rule, however, will not be construed to require the rejection of an application to enter the tract filed upon after the lapse of six months, when climatic reasons are shown, which in case of an actual entry would, under the act of March 3, 1881, (21 Stat., 511), justify an allowance of one year for establishing residence; nor in cases where the failure results from sickness, misfortune, or any insurmountable cause, which shall be properly alleged and satisfactorily shown, and where no adverse right has intervened.

Where such cause has prevented entry and an adverse right has been admitted, it will be held proper within the discretion of the General Land Office to allow an entry upon another tract: *Provided*, That it shall be shown to the full satisfaction of the Commissioner that the default was practically beyond the power of the claimant to avoid.

Following the accepted practice in pre-emption cases, the filing of a declaratory statement will not be held to bar the admission of filings and entries by others; but any person making entry or claim during the period allowed by law for entry of the soldier will do so subject to his right; and the soldier's application when offered within such time will be allowed as a matter of right and operate to exclude the intervening claim.

In case any register and receiver have cause to believe that any filing offered for record is not presented in good faith they will reject the same, allowing an appeal from their action according to the regular practice.

Entries cannot be made for a soldier or sailor by an agent or attorney.

The entry can be made only by the soldier or sailor, and he must commence his settlement on the land within six months after his filing, and must continue to reside on the land and cultivate it for such period as, added to his military or naval service, will make five years. But he must actually reside upon the land at least one year whatever may have been the period of his military or naval service.

The widow, or, in case of her death or remarriage, the guardian of minor children, may complete an entry made by the soldier or sailor by filing in this manner, but not completed before his death by formal entry, and patent will issue accordingly.

In case of the death of any person who would be entitled to a homestead under the provisions of section 2304 his widow, or, in case of her death or remarriage, his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, may initiate the filing and entry in the same manner that the soldier or sailor might have done, subject to all the provisions of the homestead laws in respect to settlement and improvement; and the whole term of enlistment in the military or naval service shall be deducted from the time otherwise required to perfect the title. (Sec. 2307, Rev. Stat.)

The ruling hereinbefore stated relative to the widow or minor children of another deceased homestead party as to actual residence is equally applicable to the widow or minor children of a deceased sailor or soldier; if the land is cultivated in good faith the law will be regarded as substantially complied with, although the widow or children may not actually reside upon the land.

In case of widows, the prescribed evidence of military service of the husband must be furnished, with affidavit of widowhood, giving date of the husband's death.

In case of minor orphan children, in addition to the prescribed evidence of military service of the father, proof of death or remarriage of the mother must be furnished. Evidence of death may be the testimony of two witnesses, or a physician's certificate duly attested. Evidence of marriage may be certified copy of marriage certificate, or of the record of same, or testimony of two witnesses to the marriage ceremony.

Minor orphan children can act only by their duly appointed guardians, who must file certified copies of the powers of guardianship which must be transmitted to the General Land Office by the registers and receivers with their abstracts of soldiers' declaratory statements.

SOLDIER'S ADDITIONAL HOMESTEAD ENTRY.

An officer, soldier, seaman, or marine who served for not less than ninety days in the Army or Navy of the United States during the rebellion, who had, prior to June 22, 1874, the date of approval of the Revised Statutes, made a homestead entry of less than 160 acres, may enter an additional quantity of land, adjacent to his former entry or elsewhere, sufficient to make, with the previous entry, 160 acres. (Rev. Stat., 2306.)

This right (extended by sec. 2307, Rev. Stat., to the widow, if unmarried, otherwise to the minor orphan children by proper guardian) is a *personal* one, and is not transferable; it is not subject to assignment or lien, nor can it be exercised by another.

The party desiring to make an additional entry and being entitled thereto must present himself at the land office of the district in which the land he wishes to enter is situated and make his application in the same manner as in case of an original entry (Form No. 4—008).

In addition to the usual homestead affidavit setting forth that the entry is made for his own exclusive use and benefit and for actual settlement and cultivation, the claimant must make a special affidavit showing—

First. His identity as the soldier he represents himself to be reciting his military service and stating his present residence and post-office address.

Second. The facts in detail, setting forth his right to make the additional entry and that he has fully complied with the provisions of the homestead laws in the residence upon and cultivation and improvement of his original entry and stating whether or not he has proved up his claim and received a patent for the land. Proper reference must be made to the original homestead entry, giving the name of the district office wherein it was made, the date and number of the entry, and the description of the land.

Third. That he has not in any manner previously exercised his additional right either by entry or application, or by sale, transfer, or power of attorney, but that the same remains in him unimpaired.

The foregoing affidavits must be sworn to *and subscribed* in the presence of the register or receiver. This rule must be strictly adhered to in order to avoid false personation; and applications and affidavits presented to the register and receiver with signature attached *will not be received.*

The prescribed proof of compliance with the legal requirements of resi-

dence and cultivation for the statutory period under sections 2291 and 2305, U. S. R. S., will be required before final certificate shall issue.

ADDITIONAL ENTRY UNDER SIXTH SECTION, ACT OF MARCH 2, 1889, PUBLIC NO. 124.

The sixth section of that act admits of an additional entry of land, which need not be contiguous to the land embraced in the original, by parties who have complied with the conditions of the law with regard to the original entry, and have had the final papers issued therefor, and with the condition of residence and cultivation of the land embraced in the additional entry, to be made and proved as in ordinary homestead entries.

Application and affidavit will be required in entries under this section, and the forms 4–018 and 4–086 may be used.

In additional entries under this section the usual homestead fees and commissions will be required to be paid, and receipts will be issued therefor. Notes will be made on the entry papers and opposite the entries on the monthly abstracts referring to the section and the act under which allowed.

PARTIAL WAIVER OF HOMESTEAD RIGHTS.

The election of a qualified party, when filing for a homestead, to take less than the law allows him, is construed as a waiver of his claim for a larger quantity; and the same in case of an adjoining farm entry or soldier's additional entry.

(But when an additional homestead claim was filed for 40 acres by a homesteader whose original entry was 120 acres, and 40 acres of this original entry had been canceled, but notice of the cancellation had not reached him when he filed for the additional 40 acres, this was *not* considered a waiver of the full amount, since he filed for all that he supposed was due him.)

INDIAN HOMESTEADS.

By the provisions of the Indian appropriation act of July 4, 1884, (23 Stats., 96), any Indians who might then be located on public lands or should thereafter so locate may avail themselves of the privileges of the homestead laws as fully and to the same extent as citizens of the United States, but without payment of fees or commissions on account of such entries or proofs.

Indian homesteads can not be commuted and are not subject to sale, assignment, lease, or incumbrance. All patents issued for Indian homesteads must be of the legal effect and declare that the United States does and will hold the land thus entered for the period of twenty-five years in trust for the sole use and benefit of the Indian by whom such entry shall have been made, or, in case of his decease, of his widow and heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

Upon any Indian applying to enter land under said act he will be allowed to do so without payment of fee or commissions, but will be required to furnish a certificate from the agent of the tribe to which he belongs that he is an Indian of the age of twenty-one years or the head of a family and not the subject of any foreign country. The entries will be numbered in the same series as other homesteads, but the papers, abstracts, and tract-books should be annotated "Indian homestead, act July 4, 1884."

FIVE-YEAR NOTICE AND SEVEN-YEAR NOTICE.

Registers and receivers will notify homestead claimants, on the expiration of the *five*-year period and of the *seven*-year period, according to Forms 4—343 and 4—344, respectively.

SUFFERERS FROM GRASSHOPPERS.

The first section of the act of July 1, 1879, "for the relief of settlers on the public lands in districts subject to grasshopper incursions," provides that homestead settlers on public lands where crops have been destroyed or seriously injured by grasshoppers may leave and be absent from said lands for a period not to exceed one year continuously, under such rules and regulations as the Commissioner of the General Land Office shall prescribe, being allowed afterward to resume and perfect their settlement as though no such absence had occurred.

A settler desiring to take advantage of the provisions of this act should file with the register and receiver a written notice of intended absence, bearing his own signature, and embracing a statement that he had sustained loss or failure of his crops. This should be noted on the tract-books for the protection of the claimant and the information of parties who might otherwise make settlement and attempt to obtain title.

Upon making final proof the settler having been absent under the first section should file his affidavit, with the affidavits of two or more witnesses, corroborative thereof, stating the particulars of the alleged destruction or serious injury of crops by grasshoppers.

The particulars given should be such as to admit of a decision whether the absence was justified by law or not, and should specifically show at what time the party left the land and when he resumed his settlement.

The affidavits required in cases arising under this section of the act must be made at the same time and place and before the same officer taking the other proofs.

SUFFERERS FROM OTHER CAUSES.

The third section of the act of March 2, 1889, entitled "An act to withdraw certain lands from private entry and for other purposes," provides for permission to be granted in certain cases by the register and receiver of the proper district land office for parties claiming public land as settlers under existing laws to leave and be absent from the land settled upon for a specified period, not to exceed one year at any one time. The applicant for such permission will be required to submit testimony to consist of his own affidavit, corroborated by the affidavits of disinterested witnesses, executed before the register or receiver or some officer in the land district using a seal and authorized to administer oaths setting forth in detail

the facts on which he relies to support his application, and which must be sufficient to satisfy the register and receiver, who are enjoined to exercise their best and most careful judgment in the matter, that he is unable by reason of a total or partial destruction or failure of crops, sickness or other unavoidable casualty to secure a support for himself or those dependent upon him upon the land settled upon. In case a leave of absence is granted the register and receiver will enter such action on their records, indicating the period for which granted, and promptly report the fact to this office, transmitting the testimony on which their action is based. In case of refusal the applicant will be allowed the right of appeal on the usual conditions.

TOWN SITES.

The legislation first above mentioned with reference to these lands admits of the entry of town sites under sections 2387 and 2388, U. S. R. S., but limits the quantity of land that may be embraced in any one entry to 320 acres, whatever may be the number of inhabitants.

The following are the principles governing entries under the sections mentioned, viz:

Lands actually settled upon and occupied as a townsite, and therefore not subject to entry under the agricultural pre-emption laws, may be entered as a townsite in accordance with the provisions of sections 2387 and 2388, United States Revised Statutes.

1. If the town is incorporated, the entry may be made by the corporate authorities thereof through the mayor or other principal officer duly authorized so to do.

2. If the town is not incorporated, the entry may be made by the judge of the county court for the county in which said town is situated.

3. In either case the entry must be made in trust for the use and benefit of the occupants thereof, according to their respective interests.

4. The execution of such trust as to the disposal of lots and the proceeds of sales is to be conducted under regulations prescribed by State or Territorial laws. Acts of trustees not in accordance with such regulations are void.

5. Private individuals or organizations are not authorized to enter townsites under this act, nor can entries under this act be made of prospective townsites. The town must be actually established, and the entry must be for the benefit of the actual inhabitants and occupants thereof.

6. The officer authorized to enter a townsite may make entry at once, or he may initiate an entry by filing a declaratory statement of the purpose of the inhabitants to make a town-site entry of the land described.

7. The entry or declaratory statement shall include only such land as is actually occupied by the town, and the title to which is in the United States, and, if upon surveyed lands, its exterior limits must conform to the legal subdivisions of the public lands.

Should there be no duly constituted officers in Oklahoma authorized to make entry in trust for the inhabitants, as contemplated in section 2387, any party interested may apply with proper proofs and thus bring the matter before the General Land Office for consideration, and for such action as may be deemed proper for the protection of the rights involved.

ENTERING UPON THE LANDS DURING THE RESERVATION.

Any person applying to make entry of these lands will be required to make affidavit that he did not violate the law by entering upon and occupying any part of the reservation before the time fixed in the President's proclamation for it to be open to settlement.

Copies of the statutes, proclamation, notice, and forms referred to in the foregoing will be found appended, also the departmental circular on the subject of April 1, 1889.

APPENDIX.

[PUBLIC NO. 155.]

An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

* * * * * * * * * * *

SEC. 12. That the sum of one million nine hundred and twelve thousand nine hundred and forty-two dollars and two cents be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay in full the Seminole nation of Indians for all the right, title, interest, and claim which said nation of Indians may have in and to certain lands ceded by article three of the treaty between the United States and said nation of Indians, which was concluded June fourteenth, eighteen hundred and sixty-six, and proclaimed August sixteenth, eighteen hundred and sixty-six, and which land was then estimated to contain two million one hundred and sixty-nine thousand and eighty acres, but which is now, after survey, ascertained to contain two million thirty-seven thousand four hundred and fourteen and sixty-two hundredths acres, said sum of money to be paid as follows: One million five hundred thousand dollars to remain in the Treasury of the United Stated to the credit of said nation of Indians and to bear interest at the rate of five per centum per annum from July first, eighteen hundred and eighty-nine, said interest to be paid semi-annually to the treasurer of said nation, and the sum of four hundred and twelve thousand nine hundred and forty-two dollars and twenty cents, to be paid to such person or persons as shall be duly authorized by the laws of said nation to receive the same, at such times and in such sums as shall be directed and required by the legislative authority of said nation, to be immediately available; this appropriation to become operative upon the execution by the duly appointed delegates of said nation, specially empowered so to do, of a release and conveyance to the United States of all the right, title, interest, and claim of said nation of Indians in and to said lands, in manner and form satisfactory to the President of the United States, and said release and conveyance, when fully executed and delivered, shall operate to extinguish all claims of every kind and character of said Seminole nation of Indians in and to the tract of country to which said release and conveyance shall apply, but such release, conveyance, and extinguishment shall not inure to the benefit of or

cause to vest in any railroad company any right, title, or interest whatever in or to any of said lands, and all laws and parts of laws so far as they conflict with the foregoing, are hereby repealed, and all grants or pretended grants of said lands or any interest or right therein now existing in or on behalf of any railroad company, *except rights of way and depot grounds*, are hereby declared to be forever forfeited for breach of condition.

SEC. 13. That the lands acquired by the United States under said agreement shall be a part of the public domain, to be disposed of only as herein provided, and sections *sixteen and thirty-six* of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, to be established within the limits of said lands under such conditions and regulations as may be hereafter enacted by Congress.

That the lands acquired by conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-sixth sections, shall be disposed of to actual settlers under the *homestead laws only*, except as herein otherwise provided (except that section two thousand three hundred and one of the Revised Statutes shall not apply): *And provided further*, That any person who having attempted to, but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further*, That the rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes shall not be abridged: *And provided further*, That each entry shall be in square form as nearly as practicable, and no person be permitted to enter more than one-quarter section thereof, but until said lands are opened for settlement by proclamation of the President, no person shall be permitted to enter upon and occupy the same and no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.

The Secretary of the Interior may, after said proclamation and not before, permit entry of said lands for town-sites, under sections twenty-three hundred and eighty-seven and twenty-three hundred and eighty-eight of the Revised Statutes, but no such entry shall embrace more than one-half section of land.

That all the foregoing provisions with reference to lands to be acquired from the Seminole Indians, including the provisions pertaining to forfeiture, shall apply to and regulate the disposal of the lands acquired from the Muscogee or Creek Indians by articles of cession and agreement made and concluded at the city of Washington on the nineteenth day of January, in the year of our Lord eighteen hundred and eighty-nine.

SEC. 14. The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President and by him to Congress at its next session and to the council or

councils of the the nation or nations, tribe or tribes, agreeing to the same for ratification, and for this purpose the sum of twenty-five thousand dollars, or as much thereof as may be necessary, is hereby appropriated, to be immediately available: *Provided*, That said Commission is further authorized to submit to the Cherokee nation the proposition that said nation shall cede to the United States in the manner and with the effect aforesaid, all the rights of said nation in said lands upon the same terms as to payment as is provided in the agreement made with the Creek Indians of date January nineteenth, eighteen hundred and eighty-nine, and ratified by the present Congress; and if said Cherokee nation shall accept, and by act of its legislative authority duly passed, ratify the same, the said lands shall thereupon become a part of the public domain for the purpose of such disposition as is herein provided, and the President is authorized as soon thereafter as he may deem advisable, by proclamation open said lands to settlement in the same manner and to the same effect, as in this act provided concerning the lands acquired from said Creek Indians, but until said lands are opened for settlement by proclamation of the President, no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire any right thereto.

SEC. 15. That the President may whenever he deems it necessary create not to exceed two land districts embracing the lands which he may open to settlement by proclamation as hereinbefore provided, and he is empowered to locate land offices for the same appointing thereto in conformity to existing laws registers and receivers and for the purpose of carrying out this provision five thousand dollars or so much thereof as may be necessary is hereby appropriated.

Approved March 2, 1889.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.—A PROCLAMATION.

Whereas, pursuant to Section eight, of the act of Congress approved March third, eighteen hundred and eighty-five, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes," certain articles of cession and agreement were made and concluded at the City of Washington on the nineteenth day of January, in the year of our Lord, eighteen hundred and eighty-nine, by and between the United States of America and the Muscogee (or Creek) Nation of Indians, whereby the said Muscogee (or Creek) nation of Indians, for the consideration therein mentioned, ceded andgranted to the United States, without reservation or condition, full and complete title to the entire western half of the domain of the said Muscogee (or Creek) Nation, in the Indian Territory, lying west of the division line surveyed and established under the treaty with said nation, dated the fourteenth day of June, eighteen hundred and sixty-six, and also granted and released to the United States all and every claim, estate, right or interest of any and every description in and to any and all land and territory whatever, except so much of the former domain of said Muscogee (or Creek) Nation as lies east of said line of division surveyed and established as aforesaid, and then used and occupied as the home of said Nation, and which articles of cession and agreement were duly accepted, ratified and confirmed by said Muscogee (or Creek) Nation of Indians by act of its council, approved on the thirty-first day of January, eighteen hundred and eighty-nine, and by the United States by act of Congress approved March first, eighteen hundred and eighty nine, and

Whereas, by section twelve of the Act, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety; and for other purposes," approved March second, eighteen hundred and eighty-nine, a sum of money was appropriated to pay in full the Seminole nation of Indians for all the right, title, interest and claim which said Nation of Indians might have in and to certain lands ceded by article three of the treaty between the Uuited States and said Nation of Indians, concluded June fourteenth, eighteen hundred and sixty-six, and proclaimed August sixteenth, eighteen hundred and sixty-six, said appropriation to become

operative upon the execution by the duly appointed delegates of said Nation, specially empowered to do so, of a release and conveyance to the United States of all right, title, interest and claim of said Nation of Indians, in and to said lands, in manner, and form, satisfactory to the President of the United States, and

Whereas, said release and conveyance, bearing date the sixteenth day of March, eighteen hundred and eighty-nine, has been duly and fully executed, approved and delivered and

Whereas, Section thirteen of the act last aforesaid, relating to said lands provides as follows :

"SEC. 13. That the lands acquired by the United States under said agreement shall be a part of the public domain, to be disposed of only as herein provided, and section sixteen and thirty six of each township, whether surveyed or unsurveyed are hereby reserved for the use and benefit of the public schools to be established within the limits of said lands under such conditions and regulations as may be hereafter enacted by Congress.

"That the lands acquired by conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-six sections shall be disposed of to actual settlers under the homestead laws only, except as herein otherwise provided (except that section two thousand three hundred and one of the Revised Statutes shall not apply) : *And provided further*, That any person who having attempted to, but for any cause failed to secure a title in fee to a homestead under existing laws or who made entry under what is known as the commuted provision of the homestead laws shall be qualified to make a homestead entry upon said lands ; *And provided further*, That the rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes shall not be abridged ; *And provided further*, That each entry shall be in square form as nearly as practicable, and no person be permited to enter more than one-quarter section thereof, but until said lands are opened for settlement by proclamation of the President, no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.

"The Secretary of the Interior may, after said proclamation and not before, permit entry of said lands for townsites, under sections twenty-three hundred and eighty seven and twenty-three hundred and eighty-eight, of the Revised Statutes, but no such entry shall embrace more than one-half section of land.

"That all the foregoing provisions with reference to lands to be acquired from the Seminole Indians, including the provisions pertaining to forfeiture shall apply to and regulate the disposal of the lands acquired from the Muscogee (or Creek) Indians, or articles of cession and agreement made and concluded at the city of Washington, on the nineteenth day of January in the year of our Lord eighteen hundred and eighty-nine."

Now, therefore, I Benjamin Harrison, President of the United States, by virtue of the power in me vested by said act of Congress, approved March second, eighteen hundred and eighty-nine, aforesaid, do hereby de-

clare and make known, that so much of the lands, as aforesaid acquired from or conveyed by the Muscogee (or Creek) nation of Indians, and from or by the Seminole nation of Indians, respectively, as is contained within the following described boundaries, viz:

Beginning at a point where the degree of longitude ninety-eight west from Greenwich, as surveyed in the years eighteen hundred and fifty-eight and eighteen hundred and seventy-one, intersects the Canadian river; thence north along and with the said degree to a point where the same intersects the Cimarron river; thence up said river along the right bank thereof to a point where the same is intersected by the south line of what is known as the Cherokee lands lying west of the Arkansas river, or as the "Cherokee Outlet," said line being the north line of the lands ceded by the Muscogee (or Creek) nation of Indians to the United States by the treaty of June fourteenth, eighteen hundred and sixty-six; thence east along said line to a point where the same intersects the west line of the lands set apart as a reservation for the Pawnee Indians by act of Congress approved April tenth, eighteen hundred and seventy-six, being the range line between ranges four and five east of the Indian meridian; thence south on said line to a point where the same intersects the middle of the main channel of the Cimarron river; thence up said river along the middle of the main channel thereof to a point where the same intersects the range line between range one east and range one west (being the Indian meridian), which line forms the western boundary of the reservation set apart respectively for the Iowa and Kickapoo Indians by Executive orders, dated respectively August fifteenth, eighteen hundred and eighty-three; thence south along said range line or meridian to a point where the same intersects the right bank of the north fork of the Canadian river; thence up said river along the right bank thereof to a point where the same is intersected by the west line of the reservation occupied by the Citizen Band of Pottawatomies and the Absentee Shawnee Indians, set apart under the provisions of the treaty of February twenty-seven, eighteen hundred and sixty-seven, between the United States and the Pottawatomie tribe of Indians, and referred to in the act of Congress approved May twenty-three, eighteen hundred and seventy-two; thence south along the said west line of the aforesaid reservation to a point where the same intersects the middle of the main channel of the Canadian river; thence up the said river along the middle of the main channel thereof to a point opposite to the place of beginning, and thence north to the place of beginning (saving and excepting one acre of land in square form in the northwest corner of section nine, in township sixteen north, range two west of the Indian meridian in Indian Territory, and also one acre of land in the southeast corner of the northwest quarter of section fifteen, township sixteen north, range seven west of the Indian meridian in the Indian Territory, which last described two acres are hereby reserved for Government use and control,) will at and after the hour of twelve o'clock, noon, of the twenty-second day of April next, and not before, be open for settlement, under the terms of and subject to all the conditions, limitations, and restrictions contained in said act of Congress, approved March second, eighteen hundred and eighty-nine and the laws of the United States applicable thereto.

And it is hereby expressly declared and made known that no other parts

or portions of the lands embraced within the Indian Territory than those herein specifically described and declared to be open to settlement at the time above named and fixed are to be considered as open to settlement under this proclamation or the act of March second, eighteen hundred and eighty-nine, aforesaid; and

Warning is hereby again expressly given that no person entering upon and occupying said lands before said hour of twelve o'clock, noon, of the twenty-second day of April, A. D. eighteen hundred and eighty-nine, hereinbefore fixed, will ever be permitted to enter any of said lands or acquire any rights thereto, and that the officers of the United States will be required to strictly enforce the provisions of the act of Congress to the above effect.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-third day of March, in the year of our Lord one thousand eight hundred and eighty-nine, and of the Independence of the United States the one hundred and thirteenth.

[SEAL.] BENJ. HARRISON.

By the President.

JAMES G. BLAINE,

Secretary of State.

[No. 924.]

NOTICE OF THE ESTABLISHMENT OF TWO LAND DISTRICTS IN THE INDIAN TERRITORY.

Notice is hereby given that the President of the United States, in pursuance of the authority conferred upon him by the fifteenth section of the act of Congress approved March 3, 1889, has directed the establishment of two land districts in that portion of the territory ceded by the Creek and Seminole Nations of Indians to the United States and embraced in a proclamation by the President dated the twenty-third day of March, 1889, opening said lands to settlement, the boundaries of said districts will be as follows:

FOR THE WESTERN LAND DISTRICT.

Beginning at a point where the degree of longitude ninety-eight west from Greenwich, as surveyed in the years 1853 and 1871, intersects with the Canadian river; thence north along and with the said degree to a point where the same intersects the Cimarron river; thence up said river along the right bank thereof to a point where the same is intersected by the south line of what is known as the Cherokee lands, lying west of the Arkansas River, or as the "Cherokee outlet," said line being the north line of the lands ceded by the Creek nation of Indians to the United States by treaty of June 14, 1866; thence east along said line to the line between ranges three and four west, Indian meridian; thence south along said line to the middle of the main channel of the Canadian river, and thence up the said river, along the middle of the main channel thereof, to a point opposite to the place of beginning, and thence north to the place of beginning; and the office for the disposal of the lands embraced in the foregoing limits shall be located at Kingfisher stage station.

FOR THE EASTERN LAND DISTRICT.

Beginning at a point on the Canadian river in the middle of the main channel of said river where the lines between ranges three and four west, Indian Meridian intersects said river, thence north along said range line to the south boundary line of what is known as the Cherokee lands lying west of the Arkansas river; thence east along said line to a point where the same intersects the west line of the lands set apart as a reservation for the Pawnee Indians by Act of Congress approved April 10, 1876, being the range line between ranges four and five east of the Indian Meridian; thence south on said line to a point where the same intersects the middle

of the main channel of the Cimarron river; thence up said river, along the main channel thereof to a point where the same intersects the range line between range one east and range one west of the Indian Meridian, which line forms the western boundary of the reservation set apart respectively for the Iowa and Kickapoo Indians, by Executive orders of August 15, 1883; thence south along said range line or meridian to a point where the same intersects the right bank of the north fork of the Canadian river; thence up said river along the right bank thereof to a point where the same is intersected by the west line of the Reservation occupied by the citizen band of Pottawatomies and the absentee Shawnee Indians, referred to in Act of May 23, 1872; thence south along the said west line of the aforsaid reservation to a point where the same intersects the Canadian river; thence up along the main middle channel thereof to the place of beginning, and the office for the disposal of the lands embraced in the foregoing limits shall be located at the town of Guthrie.

Further notice of the precise time when the offices of these districts will be opened for the transaction of public business will be given by the Registers and Receivers thereof by publication.

Given under my hand at the City of Washington this twenty-seventh day of March, A. D. 1889.

By the President,

S. M. STOCKSLAGER,

Commissioner of the General Land Office.

CIRCULAR INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
WASHINGTON, *April* 1, 1889.

Registers and Receivers of the United States Land Offices, Indian Ty.

GENTLEMEN: The 12th, 13th, 14th, and 15th sections of an act of Congress, approved March 2, 1889, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes," a copy of which section is hereto attached, embrace provisions for the disposal of certain lands therein designated. Pursuant to these provisions the President has issued his proclamation of the 23d instant, copy also attached, opening a described portion of the lands so designated for settlement and entry from and after a date therein given, and your offices have been established for the disposal thereof accordingly.

These lands have been surveyed, and you will be supplied with the township plats, tract books, blank forms, official circulars, and other requisites for the proper transaction of your business in connection therewith.

You will observe that the statute reserves sections 16 and 36 in every township for school purposes, and the proclamation reserves for Government use and control the following, viz.: One acre of land, in square form, in the northwest corner of section nine, in township sixteen north, range two west of the Indian meridian in Indian Territory, and also one acre of land in the southeast corner of the northwest quarter of section fifteen, township sixteen north, range seven west of the Indian meridian in the Indian Territory. The remainder of the lands are made subject to entry by actual settlers under the general homestead laws, with certain modifications.

Your attention is directed to the general circular issued by this office January 1, 1889, pages 13 to 30 inclusive, 42 to 57 inclusive, and 86 to 90 inclusive, as containing the homestead laws and official regulations thereunder. These laws and regulations will control your action, but modified by the special provisions of the said act of March 2, 1889, in the following particulars, viz.:

1. The rule stated on seventeenth page of said circular under the title, "Only one homestead privilege to the same person permitted," is so modified as to admit of a homestead entry being made by any one, who prior to the passage of said act, had made a homestead entry, but failed, from any cause, to secure a title in fee to the land embraced therein, or who, having secured such title, did so by what is known as the commutation of his homestead entry. See section 2301, U. S. R. S., page 88, and statement on

page 19 of said circular under the title "Commutation of Homestead Entries." A person desiring to make another entry under this provision will be required to make affidavit to the facts necessary to entitle him to do so under the laws and rules, designating in the affidavit his former entry by description of the land, number and date of entry, with the name of the land office where made, or other sufficient data to admit of readily identifying it on the official records, which affidavit you will transmit with the other entry papers to this office.

With regard to persons making homestead entries and failing to acquire title thereunder, or commuting them, after the passage of said act of March 2, 1889, the rule stated on page 17 of said circular, as to second homesteads, is operative, and will be enforced, in relation to these lands as well as others.

2. The statute provides for the disposal of these lands "to actual settlers under the homestead laws only" and while providing that "the rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in sections 2304 and 2305 of the Revised Statutes, (See pages 24, 25 and 26 of said circular) shall not be abridged," makes no mention of sections 2306 and 2307 thereof, under which such soldiers and sailors, their widows and orphan children are permitted, with regard to the public lands generally, to make additional entries, in certain cases, free from the requirement of actual settlement on the entered tract, see pages 26 and 27 of said circular. It is therefore held that soldiers' or sailors' additional entries cannot be made on these lands under said sections 2306 and 2307, unless the party claiming will, in addition to the proof required on pages 26 and 27 of said circular, make affidavit that the entry is made for actual settlement and cultivation, according to section 2291, as modified by sections 2304 and 2305 of the Revised Statutes, and the prescribed proof of compliance therewith will be required to be produced before the issue of final certificate.

3. It is provided in the statute that section 2301 of the Revised Statutes shall not apply to these lands, see pages 19 and 88 of said circular. Therefore, entries made thereon will not be subject to commutation under that section.

Any person applying to enter or file for a homestead will be required, first, to make affidavit, in addition to other requirements, that he did not violate the law by entering upon and occupying any portion of the lands described in the President's proclamation, dated March 23, 1889, prior to 12 o'clock noon, April 22, 1889, the affidavit to accompany your returns for the entry allowed.

The statute provides that townsite entries may be allowed under sections 2387 and 2388, U. S. R. S , but limits the area in any such entry to one-half section, or 320 acres, as the maximum, whatever the number of inhabitants. For instructions as to entries under said sections of the Revised Statutes you are referred to the circular issued by this office July 9, 1886, subdivision III., pages 4 and 5. Should applications for townsite entries or filings be presented by parties in interest, in the absence of officers properly qualified to make entry in trust for the inhabitants, under the provisions of said section 2387, you will note the applications on your

records, forward a report thereof to this office with any papers presented, and await instructions before allowing any entry of the land.

No rights under the townsite laws can be acquired to any of the lands described in the said proclamation prior to the time therein prescribed for the same to become open to entry and occupancy as aforesaid, viz., 12 o'clock noon of the 22d of April, 1889.

It appears that by the President's order of the 26th December, 1885, a reservation was established for military purposes of the following sub-divisions of land within the boundaries described in said proclamation of the 23d March, 1889, and which reservation still continues, viz.: southwest quarter of section fifteen, south half of section sixteen, south half of section seventeen, southeast quarter of section eighteen, east half of section nineteen, all of section twenty, all of section twenty-one, west half of section twenty-two, west half of section twenty-seven, all of section twenty-eight, all of section twenty-nine, the east half of section thirty, northeast half of section thirty-one. north half of section thirty-two, north half of section thirty-three, and northwest quarter of section thirty-four, all in township twelve north, range 4, west of the Indian meridian.

These tracts, in view of their reservation under the President's order of December 26, 1885, are not subject to settlement or entry under the act of March 2. 1889, aforesaid, and the laws of the United States applicable thereto. See sections 2258 and 2289, U. S. R. S., and you will permit no entry or filing for any portion thereof.

It is thought that the foregoing will be found sufficient for your guidance in any cases that may arise, but should unforseen difficulties present themselves you will submit the same for special instructions.

Respectfully.

S. M. Stockslager,
Commissioner.

Approved, John W. Noble, *Secretary*

REVISED STATUTES OF THE UNITED STATES.

* * * * * * * *

HOMESTEADS.

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to became such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents per acre; or eighty acres or less of such unappropriated lands at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same having been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other lands lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2290. The person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the Army or Navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

SEC. 2291. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry, and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow, or in case of her death, his heirs or devisee, or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they, will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children: and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office fees and sum of money above specified.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a *bona fide* improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

SEC. 2294. In any case in which the applicant for the benefit of the homestead, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a *bona fide* improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land office, it may be lawful for him to make the affidavit required by law before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

SEC. 2295. The register of the land office shall note all applications under the provisions of this chapter on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 2296. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit has actually changed his residence, or abandomed the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: [*Provided*, That where there may be climatic reasons the Commissioner of the General Land Office may, in his discretion, allow

the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe.]*

SEC. 2298. No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

* * * * * * *

SEC. 2300. No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

* * * * * * *

SEC. 2302. No distinction shall be made in the construction or execution of this chapter on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

* * * * * * *

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteenth, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one-quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserve sections of public land along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

SEC. 2306. Every person entitled, under the provisions of section twenty-three hundred and four, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and

---

*The portion within brackets is an amendment, added by act of March 3, 1881 (21 Stats., 511; Appendix No. 11).

sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section two thousand three hundred and four, his widow, if unmarried, or, in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvement therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect title.

SEC. 2308. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered; and if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section two thousand three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

* * * * * * *

TOWN SITES.

* * * * * * *

SEC. 2387. Whenever any portion of the public lands have been or may be settled upon and occupied as a town-site, not subject to entry under the agricultural pre-emption laws, it is lawful, in case such town be incorporated, for the corporate authorities thereof, and, if not incorporated, for the judge of the county court for the county in which such town is situated, to enter at the proper land office, and at the minimum price, the land so settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of lots in such town, and the proceeds of the sales thereof, to be conducted under such regulations as may be prescribed by the legislative authority of the state or territory in which the same may be situated.

SEC. 2388. The entry of the land provided for in the preceding section shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a townsite shall be filed with the register of the proper land

office, prior to the commencement of the public sale of the body of land in which it is included, and the entry or declaratory statement shall include only such land as is actually occupied by the town and the title to which is in the United States; but in any territory in which a land office may not have been established, such declaratory statements may be filed with the surveyor-general of the surveying district in which the lands are situated, who shall transmit the same to the General Land Office.

FINAL PROOF NOTICE.

AN ACT to provide additional regulations for homestead and pre-emption entries of public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for pre-emption or homestead entries, such person shall file with the register of the proper land office a notice of his or her intention to make such proof, stating therein the description of lands to be entered, and the names of the witnesses by whom the necessary facts will be established. Upon the filing of such notice the register shall publish a notice that such application has been made once a week for the period of thirty days, in a newspaper to be by him designated as published nearest such land, and he shall also post such notice in some conspicuous place in his office for the same period. Such notice shall contain the names of the witnesses as stated in the application. At the expiration of said period of thirty days the claimant shall be entitled to make proof in the manner heretofore provided by law. The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions.

Approved March 3, 1879. (20 Stat., 472.)

INJURY OR DESTRUCTION OF CROPS BY GRASSHOPPERS.

AN ACT for the relief of settlers on the public lands in districts subject to grasshopper incursions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for homestead and pre-emption settlers on the public lands, and in all cases where pre-emptions are authorized by law, where crops have been or may be destroyed or seriously injured by grasshoppers, to leave and be absent from said lands under such rules and regulations, as to proof of the same, as the Commissioner of the General Land Office shall prescribe; but in no case shall such absence extend beyond one year continuously; and during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

SEC. 2. That the time for making final proof and payment by pre-emptors whose crops shall have been destroyed or injured as aforesaid may, in

the discretion of the Commissioner of the General Land Office, be extended for one year after the expiration of the term of absence provided for in the first section of this act; and all the rights and privileges extended by this act to homestead and pre-emption settlers shall apply to and include the settlers under an act entitled "An act to encourage the growth of timber on western prairies," approved March third, eighteen hundred and seventy-three, and the acts amendatory thereof.

Approved July 1, 1879. (21 Stat., 48.)

CLIMATIC HINDRANCES.

AN ACT to amend section 2297 of the Revised Statutes, relating to homestead settlers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section numbered twenty-two hundred and ninety-seven, of title numbered thirty-two, be amended by adding thereto the following proviso, namely: *Provided*, That where there may be climatic reasons the Commissioner of the General Land Office may, in his discretion, allow the settlers twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe.

Approved March 3, 1881. (21 Stat., 511.)

RELINQUISHMENTS—CONTESTANT'S PREFERENCE—HOMESTEAD SETTLEMENTS.

AN ACT for the relief of settlers on public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when a pre-emption, homestead, or timber-culture claimant shall file a written relinquishment of his claim in the local land office the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land office.

SEC. 2. In all cases where any person has contested, paid the land office fees, and procured the cancellation of any pre-emption, homestead, or timber-culture entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: *Provided*, That said register shall be entitled to a fee of one dollar for the giving of such notice, to be paid by the contestant, and not to be reported.

SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as is now allowed to settlers under the pre-emption laws, to put their claims on

record, and his right shall relate back to the date of settlement, the same as if he settled under the pre-emption laws.

Approved May 14, 1880. (21 Stat., 140.)

SETTLERS WHO BECOME INSANE.

AN ACT to provide for issuing patents for pnblic lands claimed under the pre-emption and homestead laws, in cases where the settlers have become insane.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which parties who regularly initiated claims to public lands as settlers thereon according to the provisions of the pre-emption or homestead laws, have become insane or shall hereafter become insane before the expiration of the time during which their residence, cultivation, or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it shall be shown by proof satisfactory to the Commissioner of the General Land Office that the parties complied in good faith with the legal requirements up to the time of their becoming insane, and the requirements in homestead entries of an affidavit of allegiance by the applicant in certain cases as a prerequisite to the issuing of the patents shall be dispensed with so far as regards such insane parties.

Approved June 8, 1880. (21 Stat., 166.)

INDIAN HOMESTEADS.

AN ACT making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-five, and for other purposes.

* * * * * * *

That such Indians as may now be located on public lands, or as may under the direction of the Secretary of the Interior, or otherwise, hereafter so locate may avail themselves of the provisions of the homestead laws as fully and to the same extent as may now be done by citizens of the United States; and to aid such Indians in making selections of homesteads and the necessary proofs at the proper land offices, one thousand dollars, or so much thereof as may be necessary, is hereby appropriated; but no fee or commissions shall be charged on account of said entries or proofs. All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years, in trust for the sole use and benefit of the Indian by whom such entry shall have been made, or, in case of his decease, of his widow and heirs according to the laws of the State or Territory where such land is located, and at

the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

Approved July 4, 1884. (23 Stat., 96.)

[PUBLIC No. 124.]

AN ACT to withdraw certain lands from private entry, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

* * * * * * *

SEC. 6. That every person entitled, under the provisions of the homestead laws, to enter a homestead, who has heretofore complied with or shall hereafter comply with the conditions of said laws, and who shall have made his final proof thereunder for a quantity of land less than one hundred and sixty acres and received the receiver's final receipt therefor, shall be entitled under said laws to enter as a personal right, and not assignable, by legal subdivisions of the public lands of the United States subject to homestead entry, so much additional land as added to the quantity previously so entered by him shall not exceed one hundred and sixty acres: *Provided*, That in no case shall patent issue for the land covered by such additional entry until the person making such additional entry shall have actually and in conformity with the homestead laws resided upon and cultivated the lands so additionally entered, and otherwise fully complied with such laws.

* * * * * * *

FORMS.

PRELIMINARY AFFIDAVIT.

LAND OFFICE, ———,
(*Date*) ———, 18—.

I, ——— ———, of ——— ———, applying to enter (or file for) a homestead, do solemnly swear that I did not enter upon and occupy any portion of the lands described in the President's proclamation dated March 23, 1889, prior to 12 o'clock, noon, of April 22, 1889.

——— ———.

Sworn to and subscribed before me this —— day of ———, 188—.

——— ———.

NOTE.—This affidavit must be made before the register or receiver of the proper district land office, or before some officer authorized to administer oaths and using a seal in the Indian Territory.

[4–007.]

HOMESTEAD.

Application No. ——.

LAND OFFICE AT ———,
——— ——, 188–.

I, ——— ———, of ——— ———, do hereby to enter, under section 2289, Revised Statutes of the United States, the ——— of section ——, in township —— of range ——, containing ——— acres.

My post-address is ———.*

——— ———.

LAND OFFICE AT ———,
——— ——, 188–.

I, ——— ———, register of the land office, do hereby certify that the above application is for surveyed lands of the class which the applicant is legally entitled to enter under section 2289, Revised Statutes of the United States, and that there is no prior valid adverse right to the same.

——— ———,
Register.

* If residence in city, street and number must be given.

[4–063.]

HOMESTEAD.

(Affidavit.)

LAND OFFICE AT ———,
——— ——, 188–.

I, ——— ———, of ———, having filed my application, No. ——, for an entry under section No. 2289, Revised Statutes of the United States, do solemnly swear that ——— ——— that said application No. ——, is made for the purpose of actual settlement and cultivation; that said entry is made for my own exclusive benefit, and not directly or indirectly for the benefit or use of any other person or persons whomsoever; and that I have not heretofore had the benefit of the homestead laws.

——— ———.

Sworn to and subscribed this —— day of ———, before.

——— ———,
——— *of the Land Office.*

NOTE.—If this affidavit be acknowledged before the clerk of the court, as provided for by section 2294, U. S. Revised Statutes, the homestead party must expressly state herein that he or some member of his family is residing upon the land applied for, and that bona fide improvement and settlement have been made. He must also state why he is unable to appear at the land office.

[Marginal notes in red ink.]

See note, which clerks of the court and registers and receivers will read and explain thoroughly to persons making application for lands where the affidavit is made before either of them. (See directions to land officers on duplicate receipt,)

Timber land embraced in a homestead, or other entry not consummated, may be cleared in order to cultivate the land and improve the premises *but for no other purpose.*

If, after clearing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the settler disposing of the same. But the question whether the land is being cleared of its timber *for legitimate purposes* is a question *of fact*, which is liable to be raised at any time. If the timber is cut and removed *for any other purpose*, it will subject the entry to cancellation, and the person who cut it will be *liable to civil suit* for recovery of the value of said timber and *also to criminal prosecution* under section 2461 of the Revised Statutes.

AFFIDAVIT

for a party having made a homestead entry prior to March 2, 1889, and desiring to enter under 13th section of act of that date.—Public No. 155.

LAND OFFICE, at———,
(*Date*) ———, 18—.

I, ——— ———, of——— ———, having heretofore made a home-

stead entry and desiring to make another such entry under the thirteenth section of the act of March 2, 1889—Public No. 155, do solemnly swear that I made entry of the ——— of section ——— in township ——— of range ———, on the ——— day of ———, 18—, at the land office at ———, in the State (or Territory) of ———, entry No. ——, that I have failed to secure title thereunder,* and that I have not made a homestead entry since the date of said act of March 2, 1889.

——— ———.

Sworn to and subscribed before me this ——— day of ———, 188—.

——— ———.

HOMESTEAD AFFIDAVIT FOR SOLDIERS' ADDITIONAL.

Act March 2, 1889. To be filed in addition to proof required on pages 26 and 27 of circular of January 1, 1889.

LAND OFFICE AT ———,
(*Date*) ———, 18—.

I, ——— ———, of ———, having filed my application, No. ——, for an entry under section 2306 of the Revised Statutes of the United States, do solemnly swear that said application, No. ——, is made for my exclusive benefit; and that said entry is intended for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever, and that I have not heretofore had the benefit of the homestead laws, except in making my orginal entry, No. ——, on the —— day of ———, 18—, for ——— of section ———, in township ——— of range ———, at the district land office at ———, State (or Territory) of ———, to which this entry is intended as additional under section 2306, U. S. R. S.

Sworn to and subscribed this —— day of ———, before
——— ———, *Register* [*or Reciever*].

[4–137.]

Receiver's receipt No. ——. Application No. ——.

HOMESTEAD.

RECEIVER'S OFFICE, ———,
——— ——, 188–.

Received of ——— ——— the sum of ——— dollars ——— cents;

---

* NOTE.—If the entry was commuted under the eight section act of May 20, 1862, or section 2301, United States Revised Statutes, the statement of failure to secure title will be omitted and the fact of commutation inserted in lieu thereof.

This affidavit must be executed before the register or receiver of the proper district land office or before some office in the Indian Territory authorized to administer oaths and using a seal.

being the amount of fee and compensation of register and receiver for the entry of ——— of section —— in township —— of range ——, under section No. 2290, Revised Statutes of the United States.

——— ———,

$——. *Receiver.*

NOTE.—It is required of the homestead settler that he shall reside upon and cultivate the land embraced in his homestead entry for a period of five years from the time of filing the affidavit, being also the date of entry. An abandonment of the land for more than six months works a forfeiture of the claim. Further, within two years from the expiration of the said five years he must file proof of his actual settlement and cultivation, failing to do which his entry will be canceled. If the settler does not wish to remain five years on his tract he can, at any time after six months, pay for it with cash or land warrants, upon making proof of settlement and cultivation from date of filing affidavit to the time of payment.

[Marginal notes in red ink.]

See note in red ink, which registers and receivers will read and explain thoroughly to persons making application for lands where the affidavit is made before either of them.

Timber land embraced in a homestead, or other entry not consummated, may be cleared in order to cultivate the land and improve the premises, *but for no other purpose.*

If, after clearing the land for cultivation, there remains more timber than is required for improvement, there is no objection to the settler disposing of the same. But the question whether the land is being cleared of its timber *for legitimate purposes* is a question *of fact*, which is liable to be raised at any time. If the timber is cut and removed *for any other purpose*, it will subject the entry to cancellation, and the person who cut it will be *liable to civil suit* for recovery of the value of said timber, *and also to criminal prosecution* under section 2461 of the Revised Statutes.

[4-018.]

ADDITIONAL HOMESTEAD.

(Act of March 2, 1889. Public No. 124.)

Application No. ——.

LAND OFFICE AT ———,

——— ——, 18—.

I, ——— ———, of———, do hereby apply to enter, under the sixth section of act of March 2, 1889, the ———, of section ——, in township ——, of range ——, containing ——— acres, as additional to my entry No. ——, for the ——— of ———, section ——, in township ——, of range ——.

My post-office address is *———.

——— ———.

LAND OFFICE AT ———.

——— ———, 18—.

I, ——— ———, register of the land office, do hereby certify that the above application is for surveyed lands of the class which the applicant is legally entitled to enter under the act of March 2, 1889, and that there is no prior valid adverse right to the same.

——— ———, *Register.*

*If residence in city, street and number must be given.

[4–086.]

ADDITIONAL HOMESTEAD.

(Act of March 2, 1889. Public No. 124.)

(AFFIDAVIT.)

LAND OFFICE AT ———,

———, 188–.

I, ——— ———, of———, having filed my application, No. ——, for an entry under the sixth section of act of March 2, 1889, do solemnly swear that ———: said application No. —— is made for my exclusive and that said benefit; entry is made for the purpose of actual settlement and cultivation as an addition to my homestead, No. ——, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever, and that I have not heretofore had the benefit of said act.

——— ———.

Sworn to and subscribed this —— day of ———, 188–, before—

——— ———.

NOTE.—If this affidavit be acknowledged before the clerk of the court, as provided for by section 2294, U. S. Revised Statutes, the homestead party must expressly state herein that he or some member of his family is residing upon the land applied for, or upon the land embraced in his original entry, and that *bona fide* improvement and settlement have been made. He must also state why he is unable to appear at the land office.

———

[4–065.]

Soldiers' and sailors' homesteads under act June 8, 1872.

AFFIDAVIT.

No.——.] LAND OFFICE AT——,

——— ——, 188–.

I, ——— ———, of———, do solemnly swear that I am a ———, of the age of twenty-one years, and citizen of the United States: that I served for ninety days in company—, ———Regiment United States Volunteers; that I was mustered into the United States military service the——day of ———, 18—, and was honorably discharged therefrom on the——day of ———, 18—; that I have since borne true allegiance to the Government; and that I have made my application No. —— to enter a tract of land under the provisions of the act of June 8, 1872, giving homesteads to honorably discharged soldiers and sailors, their widows and orphan children; that I have made said application in good faith; and that I take said homestead for the purpose of actual settlement and cultivation, and for my own exclusive use and benefit and for the use and benefit of no other person or persons whomsoever; and that I have not heretofore acquired a title to a tract of land under this or the original homestead law, approved May 20,

1862, or the amendments thereto, or voluntarily relinquished or abandoned an entry heretofore made under said acts. So help me God.

———————.

Sworn and subscribed to before me, ———, register of the land office at——, this —— day of——, 188–.

————————,
Register.

———

[4–546.]

SOLDIER'S DECLARATORY STATEMENT.

I, ——— ———, of———County, and State or Territory of ———, do solemnly swear that I served for a period of ——— in the Army of the United States during the war of the rebellion, and was honorably discharged therefrom, as shown by a statement of such service herewith, and that I have remained loyal to the Government; that I have never made homestead entry or filed a declaratory statement under section 2290 and 2304 of the Revised Statutes; that I have located as a homestead under said statute the———, and hereby give notice of my intention to claim and enter said tract; that this location is made for my exclusive use and benefit, for the purpose of my actual settlement and cultivation, and not, either directly or indirectly, for the use and benefit of any other person.

My present post-office address is ———.

————————.

Sworn to and subscribed before me this —— day of ———, 188–.

[SEAL.] ————————.

NOTE.—This form may be used where the soldier files his own declaratory statement.

———

[4–545.]

SOLDIER'S DECLARATORY STATEMENT.

(Filed by an agent.)

I, ——— ———, of ——— County and State or Territory of———, do solemnly swear that I served for a period of ——— in the Army of the United States during the war of the rebellion, and was honorably discharged therefrom, as shown by a statement of such service herewith, and that I have remained loyal to the Government; that I have never made homestead entry or filed a declaratory statement under sections 2290, 2304, or 2309 of the Revised Statutes; that I have appointed, by power of attorney duly executed on the ——— day of ——— (or I do hereby appoint), ———, of ——— County and State of ———, my true and lawful agent, under section 2309 aforesaid, to select for me and in my name, and file my declaratory statement for a homestead right under the

aforesaid sections; and I hereby give notice of my intention to claim and enter said tract under said statute; that the location herein authorized is made for my exclusive use and benefit, for the purpose of my actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; that my said attorney has no interest, present or prospective, in the premises, and that I have made no arrangement or agreement with him or any other person for any sale or attempted sale or relinquishment of my claim in any manner or for any consideration whatever, and that I have not signed this declaration in blank.

——— ———.

Sworn to and subscribed before me this —— day of ———, 188—, and I certify that the foregoing declaration was fully filled out before being subscribed or attested.

[OFFICIAL SEAL.] ——— ———.

By virtue of the foregoing, and of a certain power of attorney therein named, duly executed on the —— day of———, and filed herewith, I hereby select the ——— as the homestead claim of ———, the aforesaid, and do solemnly swear that the same is filed in good faith for the purposes therein specified, and that I have no interest or authority in the matter, present or prospective, beyond the filing of the same as the true and lawful agent of the said ———, as provided by section 2309 of the Revised Statutes of the United States.

———,
Agent.

Sworn to and subscribed before me this —— day of ———, 188—.

[OFFICIAL SEAL.] ——— ———.

NOTE.—This form may be used where the declaratory statement is filed by an agent under section 2309, Revised Statutes.

[4–008.]

Additional entry under section 2306 of the Revised Statutes of the United States.

APPLICATION.

No. ——.] LAND OFFICE, ———,
——— ——, 188—.

I, ——— ———, of ——— County, State of ———, being entitled to the benefits of section 2306 of the Revised Statutes of the United States, granting additional lands to soldiers and sailors who served in the war of the rebellion, do hereby apply to enter the ——— as additional to my

original homestead on the ———, which I entered ———. 18—, per homestead No. ——.

My post-office address is ——.

——— ———.

LAND OFFICE, ———,

——— ——, 188—.

I, ——— ———, register of the land office at ———, do hereby certify that ——— filed the above application before me for the tract of land therein described, and that he has paid the fee and commissions prescribed by law.

——— ———, *Register.*

A DIGEST

OF THE

DECISIONS OF DEPARTMENT OF THE INTERIOR AND THE GEN'L LAND OFFICE,

In Cases relating to the Public Lands, from July, 1881, to Jan., 1887.

Prepared by

WILLIAM B. MATTHEWS AND WILLIAM O. CONWAY.

RECOMMENDATIONS.

This work has the approval of the General Land Office, and a copy of the same has been placed in each one of the district land offices in the U. S.

[From the Attorney-General of the United States.]

Department of Justice, Washington, D. C., November 21, 1888.

My Dear Sir—I acknowledge, with pleasure, the receipt of a copy of Digest of Land Decisions, prepared by yourself and Wm. O. Conway, which you were kind enough to send me a few days since.

I have examined the work somewhat carefully, and I regard it in all respects a most valuable contribution to that branch of investigation and study, and it cannot fail to receive the commendation of all persons engaged in "land matters" who may refer to it.

Hoping this book may meet with the favor it so justly merits, I am yours very truly,

WM. B. MATTHEWS, Esq., Interior Dept. A. H. GARLAND.

[From the Solicitor-General of the United States.]

Department of Justice, Washington, October 23, 1888.

Messrs. Matthews and Conway.

Gentlemen—Your Digest of the "Decisions of the Department of the Interior and the General Land Office" is a work of substantial utility and merit. It supplies a want for those engaged in land office practice which has long been felt, and now, so far as I know, for the first time met. Without the Digest it would be very tedious, if not impossible, in any reasonable time to acquire a knowledge of the practice of the Land Office that would properly qualify an attorney to take charge of that class of business. With the Digest, a very brief examination of any decided question will afford the basis for safe advice and intelligent action. I am yours truly, G. A. JENKS.

[From Hon. H. L. Muldrow, Assistant Secretary of the Interior.]

Department of the Interior, Washington, August 27, 1888.

Messrs. Matthews and Conway.

Gentlemen—Your Digest of Land Decisions seems to have been prepared with the care that insures accuracy and inspires confidence, and I regard it as an invaluable addition to the libraries of attorneys practicing before the local and General Land Offices, as well as a useful compendium and reference book to those engaged in general practice.

I have not had the time to give it a thorough examination, but am confident I shall find it of great assistance in expediting the official work that comes to my desk.

Very respectfully, H. L. MULDROW.

[From Hon. Zach Montgomery, Assistant Attorney General.]

Department of the Interior, Office of the Assistant Attorney General,

Washington, D C., August 25, 1888.

Messrs. Matthews and Conway.

Gentlemen—I hasten to thank you for a copy of your new publication entitled "Matthews and Conway's Digest of Land Decisions."

Judging from the brief examination I have been able to give your book, I am led to believe that I shall find in it a most helpful assistant in discharging the legal work of my office; and I am sure that it would make a valuable addition to the law library of any American attorney who has anything to do with the administration of the public land laws of the United States. Very respectfully, ZACH. MONTGOMERY.

[From S. V. Proudfit, editor of Land Decisions.]

Department of the Interior, Washington, D. C.

Messrs. Matthews and Conway.

The Digest of Land Decisions which you have so carefully prepared will be found a valuable addition to the library of attorneys practicing before the Land Department. It has the claim of novelty as well as merit, covering not only the Departmental decisions, but the leading cases also in the United States Supreme Court.

It is in fact a library in itself, and will be accordingly appreciated by the profession.

S. V. PROUDFIT, Editor of Land Decisions.

[From Hon. S. M. Stockslager, Commissioner General Land Office.]

Department of the Interior, General Land Office,

Washington, D. C., February 11, 1888.

W. B. Matthews and W. O. Conway.

Gentlemen—I am informed that you have completed and have now in press a Digest of the Decisions of the Department of the Interior, comprehending a period from July 17, 1881, to November 17, 1887, to which are added the Departmental Rules of Practice in relation to public lands, with references to the decisions construing the Rules, as also a Digest of the Decisions of the Supreme Court of the United States in public land cases, covering the same period. Such a Digest has been long needed, not only by the officers of the Government, but by all the judges, lawyers, and civil officers residing in the public land States. I feel satisfied from my knowledge of your recognized ability, accuracy, and your familiarity with the subject, that your Digest will be a complete success.

Yours very truly, S. M. STOCKSLAGER.